

Representative Hall, Atlanta, Georgia**Monday, February 29, 2016****Thirtieth Legislative Day**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Clark, H	Gravley	Mayo	Scott
Alexander	Clark, V	Greene	McCall	Setzler
Allison	Coleman	Harden	McClain	Sharper
Atwood	Cooke	Harrell	Meadows	Shaw
Ballinger	Coomer	Hatchett	Metze	Sims
Barr	Cooper	Hawkins	Mitchell	Smith, E
Battles	Corbett	E Henson	Morris	Smith, L
E Beasley-Teague	Deffenbaugh	Hightower	Nimmer	Smith, R
Belton	Dempsey	Hitchens	Nix	Smyre
Bennett, K	Dickey	Holcomb	Oliver	Spencer
Bennett, T	Dickson	Holmes	Pak	Stephens, M
Bentley	Dollar	Houston	Parrish	Stephens, R
Benton	Douglas	Howard	Peake	Strickland
Beskin	Drenner	Hugley	Petrea	Tankersley
Beverly	Dudgeon	Jackson	Pezold	Tanner
Blackmon	Dukes	Jasperse	Pirkle	Tarvin
Broadrick	Dunahoo	Jones, J	Powell, A	Taylor, D
Brockway	E Duncan	Jones, J.B.	Powell, J	Taylor, T
Bruce	Ealum	Jones, L	Price	Teasley
E Bryant	Efstration	Jones, S	Prince	Thomas, E
Buckner	Ehrhart	Jordan	Pruett	Trammell
Burns	England	Kaiser	Quick	Turner
Caldwell, J	Epps	Kelley	Raffensperger	Waites
Caldwell, M	Evans	Kendrick	Rakestraw	Watson
Cannon	Fleming	Kidd	Ramsey	Welch
Cantrell	Fludd	Knight	Randall	Werkheiser
Carson	Frazier	LaRiccica	Reeves	Wilkerson
Carter, A	Frye	Lott	Rhodes	Wilkinson
Carter, D	Gardner	Lumsden	Rice	Williams, A
Casas	Gasaway	Mabra	Rogers, C	Williams, C
Chandler	Gilligan	Marin	Rogers, T	Yates
Cheokas	Glanton	Martin	Rutledge	Ralston, Speaker
Clark, D	Gordon	E Maxwell	Rynders	

The following members were off the floor of the House when the roll was called:

Representatives Dawkins-Haigler of the 91st, Golick of the 40th, Kirby of the 114th, Mosby of the 83rd, Stephenson of the 90th, Stover of the 71st, Thomas of the 56th, Weldon of the 3rd, and Williamson of the 115th.

They wished to be recorded as present.

Prayer was offered by Reverend Jonathan Howes, Lead Pastor, Graystone Church, Loganville, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following communication was received:

House of Representatives
Coverdell Office Building, Room 509
Atlanta, Georgia 30334

2-26-16

I would vote no on HB 920.

Thanks

/s/ Rep. Beasley-Teague
65th

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.

6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1098. By Representatives Gordon of the 163rd, Stephens of the 165th and Waites of the 60th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to the State Road and Tollway Authority, so as to repeal and reserve Code Section 32-10-77, relating to General Assembly approval of funding for streetcar projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 1099. By Representative Holcomb of the 81st:

A BILL to be entitled an Act to amend an Act revising, superseding, and consolidating the laws relative to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4304), so as to change the composition of the governing authority; to abolish the office of chief executive officer; to provide for a commission chairperson to be elected at large; to shorten certain terms of office; to provide for elections and new terms of office; to provide for term limits; to provide for a county manager; to provide for related matters; to provide for a referendum and effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1100. By Representatives Oliver of the 82nd, Willard of the 51st, Abrams of the 89th, Efstoration of the 104th, Wilkerson of the 38th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, so as to change the jurisdiction of the juvenile court to include children who are under the age of 18 years; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HR 1541. By Representatives Hawkins of the 27th, Reeves of the 34th, Pezold of the 133rd, Dollar of the 45th, Shaw of the 176th and others:

A RESOLUTION creating the Joint Music Economic Development Study Committee; and for other purposes.

Referred to the Committee on Special Rules.

HR 1542. By Representatives Reeves of the 34th, Stephens of the 164th, Hawkins of the 27th, Strickland of the 111th, Frye of the 118th and others:

A RESOLUTION creating the House Study Committee on Music Economic Development; and for other purposes.

Referred to the Committee on Special Rules.

HR 1553. By Representatives Pruett of the 149th, Clark of the 98th, Clark of the 101st, Deffenbaugh of the 1st, Beskin of the 54th and others:

A RESOLUTION creating the House Study Committee on Homes for Georgia's Families; and for other purposes.

Referred to the Committee on Special Rules.

HR 1554. By Representative Sims of the 123rd:

A RESOLUTION recognizing United States military veterans of the Vietnam War and dedicating a road in their honor; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1097
HR 1527
SB 258
SB 331
SB 367
SB 419

HR 1526
HR 1528
SB 302
SB 365
SB 388

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
MONDAY, FEBRUARY 29, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 30th Legislative Day as enumerated below:

DEBATE CALENDAR

Modified Open Rule

- HB 513 Pleadings and motions; procedure for claims asserted against a person or entity arising from an act which could be construed as an act in furtherance of the right of free speech or right to petition government for redress of grievances; revise provisions (Substitute)(JudyNC-Stephens-164th)
- HB 889 Professions and businesses; funeral establishments and crematories; authorize certain advertisements related to crematories and cremation services (Substitute)(RegI-Kidd-145th)
- HB 934 Human Services, Department of; website providing kinship caregivers with information and access to apply for public assistance benefits; provide (HumR-Kirby-114th)

Modified Structured Rule

- HB 12 Georgia Military Service Integrity and Preservation Act; enact (Substitute)(JudyNC-Rogers-10th)
- HB 171 Laws and statutes; revise provisions relating to effect and enforcement of foreign laws; provisions (Substitute)(Judy-Hightower-68th)
- HB 699 Local government; define a certain term; provisions (Substitute)(GAff-Welch-110th)
- HB 727 Fireworks; certain further regulations by counties and municipal corporations; provide (Substitute)(RegI-Battles-15th)(AM 41 0156)
- HB 734 "Georgia Space Flight Act"; enact (Substitute)(Judy-Spencer-180th)
- HB 779 Crimes and offenses; regulate use of unmanned aircraft systems and images; provisions (Substitute)(JudyNC-Tanner-9th)
- HB 825 "Protecting Military Children Act"; enact (JuvJ-Smith-125th)
- HB 868 State government; Georgia State Games Commission; eliminate (SProp-Rogers-10th)
- HB 976 State records management; minimum retention periods for video recordings from law enforcement devices on or inside a vehicle; provide (Substitute)(PS&HS-Hitchens-161st)

- HB 1060 Crimes and offenses; carrying and possession of firearms; confirm that the right of the people to keep and bear arms shall not be infringed (Substitute)(PS&HS-Jasperse-11th)
- HB 1066 Penal institutions; additional duties of commissioner of corrections; authorize chief of staff to issue warrants of an offender who has escaped (PS&HS-Powell-32nd)
- HB 1070 Domestic relations; adoption; permit the department to use certain information in the records concerning the adopted child's biological parents (Judy-Dempsey-13th)

Structured Rule

- HB 364 Real estate transfer tax; change certain provisions (Substitute)(W&M-Knight-130th)
- HB 471 Ad valorem tax; heavy-duty vehicles; add a definition of certain vehicles (Substitute)(W&M-Stephens-164th)
- HB 722 Health; patient registry program for the use of medical cannabis; provide (Substitute)(JudyNC-Peake-141st)
- HB 828 Income tax credit; employers who hire certain qualified parolees for full-time jobs; create (Substitute)(W&M-Fludd-64th)
- HB 935 Ad valorem tax; properties eligible for a freeport exemption; add certain fulfillment centers (Substitute)(W&M-Harrell-106th)
- HB 936 Income tax; wages necessary to qualify for a job tax credit; clarify certain terms (W&M-Harrell-106th)
- HB 937 Sales and use tax; exemption for projects of regional significance; change sunset provision (W&M-Harrell-106th)
- HB 990 Alternative ad valorem tax; motor vehicles; change certain definitions (Substitute)(W&M-Powell-171st)
- HB 1014 Income tax; exemption for donation of real property for conservation use; extend sunset date (W&M-Powell-171st)
- HB 1028 Natural Resources, Department of; Environmental Protection Division; provide notice to affected localities upon certain events relating to permitted solid or hazardous waste facilities (Substitute)(NR&E-Werkheiser-157th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 226. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Gordon, approved March 24, 1988 (Ga. L. 1988, p. 4375), as amended, so as to comprehensively revise the charter of the City of Gordon; to provide for other matters relative to the foregoing; to provide for severability; to repeal conflicting laws; and for other purposes.

SB 269. By Senators Stone of the 23rd, Heath of the 31st, Thompson of the 14th, Ligon, Jr. of the 3rd, Martin of the 9th and others:

A BILL to be entitled an Act to amend Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to the prohibition on immigration sanctuary policies by local governmental entities, so as to require local governing bodies to provide certain entities with a certification of compliance with such Code section as a condition of funding; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 274. By Senators Albers of the 56th and Beach of the 21st:

A BILL to be entitled an Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to provide for a budget in all counties in this State having a population of two hundred thousand or more by the United States census of 1930, or by any future census; to define the word 'authorities' as used herein; for the publication of the proposed budget, the adoption of the budget and publication of the final budget as adopted... and for other purposes' approved March 16, 1939, appearing in Georgia Laws 1939, pp. 272-276, and all Acts amendatory thereto; and for other purposes," approved March 2, 1953 (Ga. L. 1953, p. 2815), and all Acts amendatory thereto; to provide for the nonrevival of a previously repealed Act; to repeal conflicting laws; and for other purposes.

SB 327. By Senators Hill of the 32nd, Hill of the 6th, McKoon of the 29th, Crane of the 28th, Thompson of the 14th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, so as to prohibit the state, including all of its subdivisions and instrumentalities, from entering into certain contracts with an individual or company unless such contracts contain a certification that such individual or company does not presently conduct a boycott of Israel and will not conduct such a boycott for the duration of such contract; to exclude certain contracts from these requirements; to provide for definitions; to repeal conflicting laws; and for other purposes.

- SB 332. By Senators Kennedy of the 18th, VanNess of the 43rd, Dugan of the 30th, Cowser of the 46th, Walker III of the 20th and others:

A BILL to be entitled an Act to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to clarify the judges and Justices who are exempt from various weapons carry laws and prohibitions; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the issuance of personal identification cards to certain judges and Justices of the federal and state judiciary who are exempt from various weapons carry laws and prohibitions; to provide for rules and regulations; to provide for fees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 333. By Senators Kennedy of the 18th, VanNess of the 43rd, Dugan of the 30th, Cowser of the 46th, Walker III of the 20th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 14 of the Official Code of Georgia Annotated, relating to nonprofit corporations, so as to allow for a nonprofit corporation organized in a foreign jurisdiction to change its jurisdiction of organization to this state; to allow for a nonprofit corporation organized in this state to change its jurisdiction of organization to a foreign jurisdiction; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 335. By Senators Black of the 8th, Hufstetler of the 52nd, Hill of the 6th, Jones of the 10th and Lucas of the 26th:

A BILL to be entitled an Act to amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," so as to revise provisions related to permissible investments in commingled funds and collective investment funds; to repeal conflicting laws; and for other purposes.

- SB 345. By Senators Hill of the 6th, Hill of the 32nd, VanNess of the 43rd, Bethel of the 54th, Watson of the 1st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to corporations organized for religious, fraternal, or educational purposes, so as to provide for the policy of the state with regard to determining the property rights of religious organizations; to provide that such disputes shall be resolved by a neutral principles analysis of all relevant matters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 347. By Senator Bethel of the 54th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for extensive changes to the captive insurance company provisions of this title; to provide for definitions for types of captive insurance companies; to provide for creation and regulation of different types of captive insurance companies; to provide for certain exemptions; to change certain requirements; to provide for regulation by the Commissioner; to repeal conflicting laws; and for other purposes.

- SB 364. By Senators Tippins of the 37th, Sims of the 12th, Wilkinson of the 50th, Shafer of the 48th, Cowser of the 46th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise provisions relating to annual teacher, principal, and assistant principal evaluations; to revise provisions relating to student assessment; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 366. By Senators Gooch of the 51st, Cowser of the 46th, Williams of the 19th, Hill of the 4th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Code Section 50-22-7 of the Official Code of Georgia Annotated, relating to exemptions from requirements of state agencies relative to the selection of and contracts with providers of professional services, so as to provide for an alternative selection process for the Department of Transportation; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 369. By Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 25 of the O.C.G.A., relating to regulation of fireworks, so as to revise the standard of compliance from explosion to ignition; to provide for definitions; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, so as to provide for further regulations by municipal corporations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 374. By Senators Tippins of the 37th and Hill of the 4th:

A BILL to be entitled an Act to amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing under the "Quality Basic Education Act," so as to provide for temporary exemption from certain financial reporting requirements for local school systems participating in a federally authorized pilot program; to provide for related matters; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

- SB 379. By Senators Ginn of the 47th, Wilkinson of the 50th, Harper of the 7th, Mullis of the 53rd, Albers of the 56th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 383. By Senators Ginn of the 47th, Mullis of the 53rd, Black of the 8th, Williams of the 27th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 32 of the O.C.G.A., relating to the regulation of maintenance and use of public roads, so as to provide for the purpose of the Roadside Enhancement and Beautification Council; to provide for the issuance of permits for the removal or trimming of vegetation on state rights of way when such vegetation obstructs the target viewing zone of a building, sign, or structure upon commercial property; to provide for procedures, conditions, and limitations for the issuance of such permits; to provide for the department to set standards for applications and

fees for such permits; to prohibit the removal or certain types of vegetation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 730. By Senators Ligon, Jr. of the 3rd, Watson of the 1st and Jackson of the 2nd:

A RESOLUTION encouraging the Coastal Regional Commission and other entities to support implementation of the Coastal Georgia Greenway; and for other purposes.

SR 809. By Senators Fort of the 39th and Tate of the 38th:

A RESOLUTION proposing an amendment to the Constitution so as to prohibit county and municipal governments from entering into contracts with private entities for the provision of parking enforcement services; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

SR 863. By Senator Gooch of the 51st:

A RESOLUTION recognizing United States military veterans of the Vietnam War and dedicating a bridge in their honor; and for other purposes.

SR 876. By Senators Gooch of the 51st, Wilkinson of the 50th, Ginn of the 47th, Mullis of the 53rd, Harper of the 7th and others:

A RESOLUTION creating the Joint High-Speed Broadband Communications Access for all Georgians Study Committee; and for other purposes.

SR 883. By Senators Beach of the 21st, Thompson of the 14th, Gooch of the 51st, Jones II of the 22nd and Parent of the 42nd:

A RESOLUTION creating the Joint Study Committee on Industry Incentives for Financial Technologies and the Payment Processing Industry; and for other purposes.

SR 892. By Senators Walker III of the 20th, Hill of the 4th, Kennedy of the 18th, Lucas of the 26th, Black of the 8th and others:

A RESOLUTION recognizing Governor Sonny Perdue and dedicating a road in his honor; and for other purposes.

SR 956. By Senator Gooch of the 51st:

A RESOLUTION recognizing the Sautee and Nacoochee Valley Historic Districts and dedicating three roads in their honor; and for other purposes.

SR 978. By Senator Ginn of the 47th:

A RESOLUTION honoring the life of Sheriff Dewey George Seagraves and dedicating an intersection in his memory; and for other purposes.

SR 1027. By Senators Mullis of the 53rd, Miller of the 49th, Cowser of the 46th, Tate of the 38th and Jackson of the 24th:

A RESOLUTION creating the Joint Music Economic Development Study Committee; and for other purposes.

SR 1029. By Senators Hufstetler of the 52nd, Unterman of the 45th, Albers of the 56th, Burke of the 11th and Orrock of the 36th:

A RESOLUTION creating the Joint Study Committee on Health and Social Services Integrated Data Platform; and for other purposes.

SR 1038. By Senator Mullis of the 53rd:

A RESOLUTION creating the Joint Alternative Fuels Infrastructure Study Committee; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 787. By Representatives Dickson of the 6th, Broadrick of the 4th and Tarvin of the 2nd:

A BILL to be entitled an Act to provide for a homestead exemption from City of Varnell ad valorem taxes for municipal purposes in the full amount of the assessed value of the homestead for residents of that city who are 65 years of age or older or who are the unremarried spouses of deceased firefighters, police officers, or military veterans; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 968. By Representative Caldwell of the 131st:

A BILL to be entitled an Act to authorize the Magistrate Court of Pike County to impose and collect county law library fees as part of the court costs in the magistrate court; to provide for practices and procedures connected therewith; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1024. By Representatives Corbett of the 174th, Carter of the 175th, Sharper of the 177th and Shaw of the 176th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Lake Park, approved April 17, 1973 (Ga. L. 1973, p. 3074), as amended, particularly by an Act approved March 22, 1989 (Ga. L. 1989, p. 4123), an Act approved February 18, 1992 (Ga. L. 1992, p. 4536), and an Act approved May 6, 2015 (Ga. L. 2015, p. 3743), so as to provide for the election and terms of office of the mayor and councilmembers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1029. By Representatives Broadrick of the 4th, Dickson of the 6th and Tarvin of the 2nd:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Whitfield County; to provide for the appointment of a county surveyor by the governing authority of the county; to provide that the person currently serving as elected county surveyor shall serve the remainder of his or her term; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills and Resolutions of the Senate were read the first time and referred to the Committees:

SB 226. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Gordon, approved March 24, 1988 (Ga. L. 1988, p. 4375), as amended, so as to comprehensively revise the charter of the City of Gordon; to provide for other matters relative to the foregoing; to provide for severability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- SB 269. By Senators Stone of the 23rd, Heath of the 31st, Thompson of the 14th, Ligon, Jr. of the 3rd, Martin of the 9th and others:

A BILL to be entitled an Act to amend Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to the prohibition on immigration sanctuary policies by local governmental entities, so as to require local governing bodies to provide certain entities with a certification of compliance with such Code section as a condition of funding; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 274. By Senators Albers of the 56th and Beach of the 21st:

A BILL to be entitled an Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to provide for a budget in all counties in this State having a population of two hundred thousand or more by the United States census of 1930, or by any future census; to define the word 'authorities' as used herein; for the publication of the proposed budget, the adoption of the budget and publication of the final budget as adopted... and for other purposes' approved March 16, 1939, appearing in Georgia Laws 1939, pp. 272-276, and all Acts amendatory thereto; and for other purposes," approved March 2, 1953 (Ga. L. 1953, p. 2815), and all Acts amendatory thereto; to provide for the nonrevival of a previously repealed Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- SB 327. By Senators Hill of the 32nd, Hill of the 6th, McKoon of the 29th, Crane of the 28th, Thompson of the 14th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, so as to prohibit the state, including all of its subdivisions and instrumentalities, from entering into certain contracts with an individual or company unless such contracts contain a certification that such individual or company does not presently conduct a boycott of Israel and will not conduct such a boycott for the duration of such contract; to exclude certain contracts from these requirements; to provide for definitions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Properties.

- SB 332. By Senators Kennedy of the 18th, VanNess of the 43rd, Dugan of the 30th, Cowsert of the 46th, Walker III of the 20th and others:

A BILL to be entitled an Act to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to clarify the judges and Justices who are exempt from various weapons carry laws and prohibitions; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the issuance of personal identification cards to certain judges and Justices of the federal and state judiciary who are exempt from various weapons carry laws and prohibitions; to provide for rules and regulations; to provide for fees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

- SB 333. By Senators Kennedy of the 18th, VanNess of the 43rd, Dugan of the 30th, Cowsert of the 46th, Walker III of the 20th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 14 of the Official Code of Georgia Annotated, relating to nonprofit corporations, so as to allow for a nonprofit corporation organized in a foreign jurisdiction to change its jurisdiction of organization to this state; to allow for a nonprofit corporation organized in this state to change its jurisdiction of organization to a foreign jurisdiction; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 335. By Senators Black of the 8th, Hufstetler of the 52nd, Hill of the 6th, Jones of the 10th and Lucas of the 26th:

A BILL to be entitled an Act to amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," so as to revise provisions related to permissible investments in commingled funds and collective investment funds; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

- SB 345. By Senators Hill of the 6th, Hill of the 32nd, VanNess of the 43rd, Bethel of the 54th, Watson of the 1st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to corporations organized for religious, fraternal, or educational purposes, so as to provide for the policy of the state with regard to determining the property rights of religious organizations; to provide that such disputes shall be resolved by a neutral principles analysis of all relevant matters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 347. By Senator Bethel of the 54th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for extensive changes to the captive insurance company provisions of this title; to provide for definitions for types of captive insurance companies; to provide for creation and regulation of different types of captive insurance companies; to provide for certain exemptions; to change certain requirements; to provide for regulation by the Commissioner; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 364. By Senators Tippins of the 37th, Sims of the 12th, Wilkinson of the 50th, Shafer of the 48th, Cowser of the 46th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise provisions relating to annual teacher, principal, and assistant principal evaluations; to revise provisions relating to student assessment; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 366. By Senators Gooch of the 51st, Cowser of the 46th, Williams of the 19th, Hill of the 4th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Code Section 50-22-7 of the Official Code of Georgia Annotated, relating to exemptions from requirements of state agencies relative to the selection of and contracts with providers of professional services, so as to provide for an alternative selection process for

the Department of Transportation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

SB 369. By Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 25 of the O.C.G.A., relating to regulation of fireworks, so as to revise the standard of compliance from explosion to ignition; to provide for definitions; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, so as to provide for further regulations by municipal corporations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

SB 374. By Senators Tippins of the 37th and Hill of the 4th:

A BILL to be entitled an Act to amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing under the "Quality Basic Education Act," so as to provide for temporary exemption from certain financial reporting requirements for local school systems participating in a federally authorized pilot program; to provide for related matters; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 379. By Senators Ginn of the 47th, Wilkinson of the 50th, Harper of the 7th, Mullis of the 53rd, Albers of the 56th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- SB 383. By Senators Ginn of the 47th, Mullis of the 53rd, Black of the 8th, Williams of the 27th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 32 of the O.C.G.A., relating to the regulation of maintenance and use of public roads, so as to provide for the purpose of the Roadside Enhancement and Beautification Council; to provide for the issuance of permits for the removal or trimming of vegetation on state rights of way when such vegetation obstructs the target viewing zone of a building, sign, or structure upon commercial property; to provide for procedures, conditions, and limitations for the issuance of such permits; to provide for the department to set standards for applications and fees for such permits; to prohibit the removal or certain types of vegetation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

- SR 730. By Senators Ligon, Jr. of the 3rd, Watson of the 1st and Jackson of the 2nd:

A RESOLUTION encouraging the Coastal Regional Commission and other entities to support implementation of the Coastal Georgia Greenway; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

- SR 809. By Senators Fort of the 39th and Tate of the 38th:

A RESOLUTION proposing an amendment to the Constitution so as to prohibit county and municipal governments from entering into contracts with private entities for the provision of parking enforcement services; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- SR 863. By Senator Gooch of the 51st:

A RESOLUTION recognizing United States military veterans of the Vietnam War and dedicating a bridge in their honor; and for other purposes.

Referred to the Committee on Transportation.

SR 876. By Senators Gooch of the 51st, Wilkinson of the 50th, Ginn of the 47th, Mullis of the 53rd, Harper of the 7th and others:

A RESOLUTION creating the Joint High-Speed Broadband Communications Access for all Georgians Study Committee; and for other purposes.

Referred to the Committee on Special Rules.

SR 883. By Senators Beach of the 21st, Thompson of the 14th, Gooch of the 51st, Jones II of the 22nd and Parent of the 42nd:

A RESOLUTION creating the Joint Study Committee on Industry Incentives for Financial Technologies and the Payment Processing Industry; and for other purposes.

Referred to the Committee on Special Rules.

SR 892. By Senators Walker III of the 20th, Hill of the 4th, Kennedy of the 18th, Lucas of the 26th, Black of the 8th and others:

A RESOLUTION recognizing Governor Sonny Perdue and dedicating a road in his honor; and for other purposes.

Referred to the Committee on Transportation.

SR 956. By Senator Gooch of the 51st:

A RESOLUTION recognizing the Sautee and Nacoochee Valley Historic Districts and dedicating three roads in their honor; and for other purposes.

Referred to the Committee on Transportation.

SR 978. By Senator Ginn of the 47th:

A RESOLUTION honoring the life of Sheriff Dewey George Seagraves and dedicating an intersection in his memory; and for other purposes.

Referred to the Committee on Transportation.

SR 1027. By Senators Mullis of the 53rd, Miller of the 49th, Cowser of the 46th, Tate of the 38th and Jackson of the 24th:

A RESOLUTION creating the Joint Music Economic Development Study Committee; and for other purposes.

Referred to the Committee on Special Rules.

SR 1029. By Senators Hufstetler of the 52nd, Unterman of the 45th, Albers of the 56th, Burke of the 11th and Orrock of the 36th:

A RESOLUTION creating the Joint Study Committee on Health and Social Services Integrated Data Platform; and for other purposes.

Referred to the Committee on Special Rules.

SR 1038. By Senator Mullis of the 53rd:

A RESOLUTION creating the Joint Alternative Fuels Infrastructure Study Committee; and for other purposes.

Referred to the Committee on Special Rules.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate:

SB 378. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend an Act revising, superseding, and consolidating the laws relative to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4304), so as to change the composition of the governing authority; to abolish the office of chief executive officer; to provide for a commission chairperson to be elected at large; to shorten certain terms of office; to provide for elections and new terms of office; to provide for term limits; to provide for a county manager; to provide for related matters; to provide for a referendum and effective dates; to repeal conflicting laws; and for other purposes.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Scott of the 76th, Taylor of the 79th, Howard of the 124th et al., Kirby of the 114th, Dickey of the 140th, and Williams of the 168th.

Representative Abrams of the 89th moved that the House reconsider its action in failing to give the requisite constitutional majority to the following Bill of the House:

HB 654. By Representatives Scott of the 76th, Jordan of the 77th, Stovall of the 74th, Waites of the 60th, Anderson of the 92nd and others:

A BILL to be entitled an Act to amend Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, so as to require such studios to post notification that certain tattoos could disqualify the wearer from military service; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatcher	Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Deffenbaugh	N Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	N Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Dollar	Y Howard	Y Peake	Stover
Bentley	Y Douglas	Y Hugley	N Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	N Jasperse	Y Pirkle	N Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Evans	Y Kidd	Y Ramsey	Y Waites
Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
N Carson	Y Frazier	N Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	N Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	N Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A

Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Golick	Y Mayo	Y Setzler	Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Coleman	Y Greene	Meadows	Sims	Ralston, Speaker

On the motion, the ayes were 129, nays 19.

The motion prevailed.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1070. By Representatives Dempsey of the 13th, Houston of the 170th, Willard of the 51st, Thomas of the 39th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to permit the department to use certain information in the department's records concerning the adopted child's biological parents; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner

Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

The following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 1053. By Representative Taylor of the 173rd:

A BILL to be entitled an Act to amend an Act creating a new board of education of Grady County, approved March 5, 1968 (Ga. L. 1968, p. 2120), as amended, so as to provide that members of the board of education shall be elected on a nonpartisan basis; to provide for continuation in office of current members of the board; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abrams	N Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	N Harrell	N Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Morris	N Smith, M
N Atwood	Y Corbett	N Hawkins	Mosby	Y Smith, R
N Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
N Barr	Y Deffenbaugh	N Hightower	N Nix	Y Spencer
N Battles	N Dempsey	Y Hitchens	Y Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	N Pak	Y Stephens, R
N Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
N Bennett, T	Dollar	N Howard	Y Peake	Stover
Y Bentley	Douglas	N Hugley	N Petrea	Y Strickland
Benton	N Drenner	Jackson	Y Pezold	Y Tankersley

Y Beskin	Y Dudgeon	N Jasperse	Y Pirkle	N Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	N Dunahoo	N Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	N Jones, S	N Prince	N Teasley
N Bruce	Y Efrstration	N Jordan	N Pruett	N Thomas, A.M.
E Bryant	N Ehrhart	N Kaiser	N Quick	N Thomas, E
N Buckner	Y England	Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	N Waites
Caldwell, M	Fleming	Y Kirby	N Randall	Y Watson
N Cannon	Floyd	Y Knight	Y Reeves	Welch
N Cantrell	Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	N Frazier	Y Lott	N Rice	N Werkheiser
Y Carter, A	N Frye	N Lumsden	N Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	N Rogers, T	Y Wilkinson
E Casas	N Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	N Rynders	N Williams, A
Y Cheokas	E Glanton	E Maxwell	N Scott	N Williams, C
N Clark, D	Y Golick	N Mayo	Y Setzler	Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	N Gravley	N McClain	Y Shaw	Y Yates
Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 74, nays 81.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Taylor of the 173rd moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 1053.

On the motion, the roll call was ordered and the vote was as follows:

N Abrams	Y Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
N Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Battles	Y Dempsey	Y Hitchens	Y Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Bennett, T	Y Dollar	N Howard	Y Peake	Stover
Bentley	Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	N Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efrstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	N Quick	N Thomas, E

N Buckner	Y England	Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	N Kendrick	Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	N Waites
N Caldwell, M	Fleming	N Kirby	Randall	Y Watson
N Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Fludd	Y LaRiccica	Y Rhodes	N Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Werkheiser
Y Carter, A	N Frye	N Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Y Rogers, T	Y Wilkinson
E Casas	N Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	N Williams, A
Y Cheokas	E Glanton	E Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	N Mayo	Y Setzler	Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 99, nays 55.

The motion prevailed.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 976. By Representatives Hitchens of the 161st, Willard of the 51st, Powell of the 32nd, Caldwell of the 131st, Tanner of the 9th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state records management, so as to provide for minimum retention periods for video recordings from law enforcement surveillance devices, law enforcement body-worn devices, or devices located on or inside of a law enforcement vehicle; to provide for a definition; to provide for exceptions; to provide for presumptions, civil liability, and fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state records management, so as to provide for minimum retention periods for video recordings from law enforcement body-worn devices or devices located on or inside of a law enforcement vehicle; to provide for a definition; to provide for exceptions; to provide for presumptions, civil liability, and fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state records management, is amended by revising subsection (a) of Code Section 50-18-92, relating to the creation of the State Records Committee and retention schedules, as follows:

"(a) There is created the State Records Committee, to be composed of the Governor, the Secretary of State, the chancellor of the University System of Georgia, an appointee of the Governor who is not the Attorney General, the state auditor, and an officer of a governing body, as such terms are defined in subsection (a) of Code Section 50-18-99, to be appointed by the chancellor, or their designated representatives. It shall be the duty of the committee to review, approve, disapprove, amend, or modify retention schedules submitted by agency heads, school boards, county governments, and municipal governments through the division for the disposition of records based on administrative, legal, fiscal, or historical values. The Except as provided in Code Section 50-18-96, the retention schedules, once approved, shall be authoritative, shall be directive, and shall have the force and effect of law. A retention schedule may be determined by four members of the committee. Retention schedules may be amended by the committee on change of program mission or legislative changes affecting the records. The chancellor of the University System of Georgia shall serve as chairperson of the committee and shall schedule meetings of the committee as required. Four members shall constitute a quorum. Each agency head has the right of appeal to the committee for actions taken under this Code section."

SECTION 2.

Said article is further amended by revising Code Section 50-18-96, which was previously reserved, as follows:

"50-18-96.

(a) As used in this Code section, the term 'governing body' shall have the same meaning as set forth in Code Section 50-18-99.

(b) Video recordings from law enforcement body-worn devices or devices located on or inside of law enforcement vehicles shall be retained for 180 days from the date of such recording except:

(1) If such recording is part of a criminal investigation, shows a vehicular accident, shows the detainment or arrest of an individual, or shows a law enforcement officer's use of force, it shall be retained for 30 months from the date of such recording; and

(2) If such recording contains evidence that is or can reasonably be anticipated to be necessary for pending litigation, it shall be retained for 30 months from the date of such recording, and if litigation is commenced during such period it shall be retained until a final adjudication of such litigation.

(c) The retention periods described in this Code section are de minimis.

(d) This Code section shall not require the destruction of such video recording after the required retention period.

(e) Any video recording destroyed pursuant to the retention schedule provided in this Code section shall be deemed to have been properly destroyed, and no evidentiary presumption shall be made that such recording was harmful to the governing body or any law enforcement officer depicted in such recording.

(f) A governing body or law enforcement officer shall not have a duty to redact or obscure people, objects, or information that appear in a video recording from any law enforcement body-worn device or device located on or inside of a law enforcement vehicle, nor shall such body or officer have any civil liability for such depiction.

(g) Notwithstanding fees imposed pursuant to Article 4 of this chapter, an additional fee of \$12.00 shall be imposed for the copying of video recordings from law enforcement body-worn devices or devices located on or inside of a law enforcement vehicle. Reserved."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatcher	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efrstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch

Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabrá	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 868. By Representatives Rogers of the 10th, Dickey of the 140th, Nimmer of the 178th, Kirby of the 114th, Lott of the 122nd and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to commissions and other agencies, so as to eliminate the Georgia State Games Commission; to provide for reversion of property to the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Stover
Y Bentley	Y Douglas	Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.

E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

House of Representatives
Coverdell Legislative Office Building
Room 509
Atlanta, Georgia 30334

February 29, 2016

Clerk of the House
Bill Reilly
309 State Capitol
Atlanta, GA 30334

Dear Mr. Reilly,

Please be advised that I was unable to vote on HB 868 on February 29th 2016 and would like for my vote to reflect as "Y".

Thank you,

/s/ Rep. Keisha Waites
Representative Keisha Waites
District 60

KW/ktr

HB 825. By Representatives Smith of the 125th, Holcomb of the 81st, Carter of the 175th, Shaw of the 176th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to parent and child relationship general provisions, so as to provide that in the event of a report of child abuse by a military parent or guardian, the child welfare agency shall notify the Department of Defense Family Advocacy Program; to add filing a report of child abuse to military law enforcement to the reporting of child abuse to an appropriate police authority; to extend immunity provisions to reporting child abuse to military law enforcement; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A

Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 1028. By Representatives Werkheiser of the 157th, Nimmer of the 178th, Burns of the 159th, Abrams of the 89th, Caldwell of the 20th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to waste management, so as to require the Environmental Protection Division of the Department of Natural Resources to provide notice to affected localities upon the occurrence of certain events relating to permitted solid or hazardous waste facilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, so as to require the owner or operator of a municipal solid waste landfill to provide notice to the relevant local governing authority upon the occurrence of a solid waste release; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, is amended by adding a new Code section to read as follows:

"12-8-24.3.

The owner or operator of a municipal solid waste landfill shall notify the local governing authorities of any city and county in which such landfill is located of any significant release therefrom within 14 days of confirmation of such release by the division."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 364. By Representatives Knight of the 130th, Harbin of the 122nd, Harrell of the 106th, Stephens of the 164th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of intangibles, so as to change certain provisions regarding the real estate transfer tax; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise and change certain provisions regarding the approval of tax digests by the commissioner; to impose sanctions for including nontaxable properties on the tax digests; to provide for procedures, conditions, and limitations; to provide for refunds of taxes improperly collected; to amend Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, so as to provide for additional jurisdiction for the Georgia Tax Tribunal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended in Code Section 48-5-342, relating to the review of county tax digests by the Commissioner of Revenue, by adding a new subsection to read as follows:

"(e)(1) The commissioner may, upon his or her own initiative or upon complaint by a taxpayer, examine the itemizations of properties appearing on the digest, and if in the judgment of the commissioner any properties are illegally appearing on the digest and should not be subject to taxation under this chapter, the commissioner shall strike such items from the digest and return the digest to the county for removal of such items and resubmission to the commissioner. The commissioner shall provide by rule and regulation procedures by which the county board of tax assessors may appeal such finding to the commissioner. If appealed by the board of tax assessors, the commissioner shall, after reviewing such appeal, issue a final order and include a finding as to the taxability of the digest items in dispute and shall finalize the digest in accordance therewith.

(2) If a property has been found by the commissioner to not be subject to taxation under this chapter and again appears on the digest at any time within five years of the initial determination of nontaxability and is again determined to be nontaxable, the

commissioner shall notify the Department of Community Affairs in writing of his or her finding and, upon receipt of such notice, the qualified local government status of such county shall be revoked for a period of three years following the receipt of such notice by the Department of Community Affairs. Notwithstanding the foregoing, if prior to the commissioner's notification to the Department of Community Affairs of such finding the board of commissioners commences proceedings in the superior court to remove the assessors, the action to revoke such qualified local government status shall be stayed until such proceedings are final or for a period of six months, whichever shall first occur. Upon the final determination of such removal action or six months, whichever occurs first, if such assessors remain in office, the county's qualified local government status shall be revoked, but if such assessors are no longer in office, such qualified local government status shall not be revoked.

(3) If a property has been found by the commissioner to not be subject to taxation under this chapter and if such nontaxable property has appeared on a county digest in any year within the preceding five-year period, then the owner thereof shall be entitled to file a petition directly with the Georgia Tax Tribunal for a refund of all such taxes illegally collected or taxes paid, interest equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it plus 3 percent calculated from the date of payment of such taxes, and attorney's fees in an amount of not less than 15 percent nor more than 40 percent of the total of the illegally charged taxes and accrued interest. Such petition shall name the board of tax assessors and the tax commissioner of the county as the respondent in their official capacities and shall be served upon such board and tax commissioner. Service shall be accomplished by certified mail or statutory overnight delivery. The petition shall include a summary statement of facts and law upon which the petitioner relies in seeking the requested relief. The respondents shall file a response to the petitioner's statement of facts and law which constitutes their answer with the tribunal no later than 30 days after the service of the petition. The respondents shall serve a copy of their response on the petitioner's representative or, if the petitioner is not represented, on the petitioner and shall file a certificate of service with such response. If in any case a response has not been filed within the time required by this paragraph, the case shall automatically become in default unless the time for filing the response has been extended by agreement of the parties, for a period not to exceed 30 days, or by the judge of the tribunal. The default may be opened as a matter of right by the filing of a response within 15 days of the day of the default and payment of costs. At any time before the final judgment, the judge of the tribunal, in his or her discretion, may allow the default to be opened for providential cause that prevented the filing of the response, for excusable neglect, or when the tribunal judge, from all the facts, determines that a proper case has been made for the default to be opened on terms to be fixed by the tribunal judge. The tribunal judge shall proceed to hear and decide the matter and may grant appropriate relief under the law and facts presented."

SECTION 2.

Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, is amended in Code Section 50-13A-9, relating to petitions for relief, jurisdiction, and bonds, by adding a new subsection to read as follows:

"(e) The tribunal shall also have jurisdiction over refund petitions filed pursuant to Code Section 48-5-342."

SECTION 3.

This Act shall become effective on July 1, 2016.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A

Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 471. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Article 10A of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of heavy-duty motor vehicles, so as to add a definition of certain vehicles; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, so as to levy and impose a tax on persons who enter certain rental agreements with certain equipment rental companies within a certain period of time; to require such equipment rental companies to collect such taxes and remit them to county tax commissioners for credit against such company's ad valorem tax liability for certain equipment; to provide that county tax commissioners shall retain excess fees; to provide for the reporting of certain statistical data related to such tax; to provide for rules and regulations; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, is amended by adding a new article to read as follows:

"ARTICLE 8

48-13-140.

(a) As used in this Code section, the term:

(1) 'Equipment rental company' means an entity that is engaged in a line of business described in Code 532412 or 532310 of the North American Industry Classification System published by the United States Census Bureau in 2012.

(2) 'Property tax recovery fee' means a 1 1/2 percent tax on the total charge for renting of rental equipment agreement exclusive of any tax, fee, and separately stated charges that are not rental charges, including, but not limited to, charges for delivery and pickup of rental equipment, damage waivers, environmental fees, or other ancillary charges.

(3) 'Rental agreement' means an agreement under which rental equipment is rented for a period of 365 days or less.

(4) 'Rental equipment' means a piece of equipment or machinery that is primarily designed and used for construction, industrial, maritime, or mining uses and that is rented without a driver or operator by an equipment rental company.

(b)(1) For the period beginning January 1, 2017, and ending December 31, 2020, there is levied and imposed a property tax recovery fee.

(2) Every person that enters a rental agreement in this state with an equipment rental company shall be liable for the property tax recovery fee and shall pay such fee to the equipment rental company. The property tax recovery fee shall be separately stated in each rental agreement.

(c)(1) Property tax recovery fees collected by an equipment rental company shall be retained by such company until such time when such company's ad valorem tax liability assessed upon such company's rental equipment is due. On or before such due date, the equipment rental company shall remit all property tax recovery fees, in proportion, to the tax commissioners of counties where such company has such an ad valorem tax liability. Such proportion shall be based on the total value of such ad valorem tax liability imposed by all counties.

(2) Each county tax commissioner shall accept property tax recovery fees transmitted by an equipment rental company as payment toward such company's ad valorem tax liability. If the total amount of the property tax recovery fees transmitted by an equipment rental company under this Code section in any calendar year exceeds such company's assessed ad valorem tax liability for rental equipment for that calendar year, the county tax commissioner shall remit such fees to the general fund of such county.

(d)(1) On or before April 1, 2017, and for the four years thereafter, each county tax commissioner shall submit a report to the department that contains an accounting for the preceding calendar year of the total amount of property tax recovery fees collected and the total ad valorem tax assessed on rental equipment in his or her respective county.

(2) On or before July 1, 2020, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that contains an accounting for the three preceding calendar years of the total amount of property tax recovery fees collected and the total ad valorem tax assessed on rental equipment for each county in this state.

(3) The department shall be authorized to promulgate rules and regulations necessary to implement the provisions of this subsection.

(e) The tax levied by this Code section is in addition to all other taxes."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 722. By Representatives Peake of the 141st, Powell of the 32nd, Meadows of the 5th, England of the 116th, Gravley of the 67th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for a patient registry program for the use of medical cannabis; to authorize rule making; to establish duties of patients, designated caregivers, physicians, and manufacturers of medical cannabis; to establish a medical cannabis tracking system; to provide for confidentiality of records; to establish patient protections; to impose penalties; to provide for nursing facilities; to establish fees; to establish a task force; to require impact assessment of medical cannabis therapeutic research; to require reports and audits; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 16 and Code Section 31-2A-18, relating to crimes and offenses and the establishment of the Low THC Oil Patient Registry, respectively, so as to change provisions relating to the regulation of low THC oil; to revise and provide for definitions; to expand conditions for which low THC oil may be recommended for treatment; to clarify provisions of existing law; to provide for other lawful activities; to change reporting requirements; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for a different criteria for driving under the influence of marijuana; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "Haleigh's Hope Act - Part II."

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-12-190, relating to a definition, as follows:

"16-12-190.

As used in this article, the term '~~low THC oil~~':

(1) 'Low THC oil' means an oil that contains an amount of cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol ~~and an amount of cannabidiol equal to or greater than the amount of tetrahydrocannabinol.~~

(2) 'Tetrahydrocannabinol' shall have the same meaning as set forth in Code Section 16-13-25."

SECTION 3.

Said title is further amended in Code Section 16-12-191, relating to possession, manufacture, distribution, or sale of low THC oil, by revising paragraph (1) of subsection (a) and subsection (b) and by revising subsection (e) as follows:

"(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any person to possess or have under his or her control 20 fluid ounces or less of low THC oil if:

(A) Such person is registered with the Department of Public Health as set forth in Code Section 31-2A-18;

~~(B) Such person and~~ has in his or her possession a registration card issued by the Department of Public Health; and

~~(C)(B)~~ Such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol or tetrahydrocannabinolic acid therein."

"(b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any person to possess or have under his or her control 20 fluid ounces or less of low THC oil if:

(A) Such person is involved in a ~~clinical~~ research program being conducted by the Board of Regents of the University System of Georgia or any authorized clinical trial or research study protocol in this state or is an authorized agent pursuant to Chapter 51 of Title 31 as:

(i) A ~~program~~ participant;

(ii) A parent, guardian, or legal custodian of a ~~program~~ participant;

(iii) ~~An A designated~~ employee of the board of regents ~~designated to participate in the research program;~~

(iv) ~~A program~~ An agent;

(v) A ~~program~~ collaborator and their designated employees;

(vi) A ~~program~~ supplier and their designated employees;

(vii) A ~~program~~ physician;

(viii) A ~~program~~ clinical researcher;

(ix) ~~Program pharmacy~~ Pharmacy personnel; or

(x) Other ~~program~~ medical personnel;

(B) Such person has in his or her possession a permit issued as provided in Code Section 31-51-7; and

(C) Such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol or tetrahydrocannabinolic acid therein."

"(e) Subsections (c) and (d) of this Code section shall not apply to a person ~~involved in a research program being conducted by the Board of Regents of the University System of Georgia or its authorized agent pursuant to Chapter 51 of Title 31 as an employee of the board of regents designated to participate in such program, a program agent, a program collaborator and their designated employees, a program supplier and their designated employees, a physician, clinical researcher, pharmacy personnel, or other medical personnel~~ identified in subparagraph (b)(1)(A) of this Code section, provided that such person has in his or her possession a permit issued as provided in Code Section ~~31-5-7~~ 31-51-7 and such possession, sale, manufacturing, distribution, or dispensing is solely for the purposes set forth in Chapter 51 of Title 31."

SECTION 4.

Said title is further amended by adding a new Code section to read as follows:

"16-12-192.

Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for a manufacturer of low THC oil to ship low THC oil to a person registered with the Department of Public Health under Code Section 31-2A-18."

SECTION 5.

Said title is further amended by revising paragraph (16) of Code Section 16-13-21, relating to the definitions for the regulation of controlled substances, as follows:

"(16) 'Marijuana' means all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include ~~samples~~ tetrahydrocannabinol as described in subparagraph (P) of paragraph (3) of Code Section 16-13-25 and shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination."

SECTION 6.

Said title is further amended by revising subparagraph (P) of paragraph (3) of Code Section 16-13-25, relating to Schedule I controlled substances, as follows:

"(P) ~~Tetrahydrocannabinols which shall include, but are not limited to:~~

~~(i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and~~

~~(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do~~ Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant material exhibiting the external morphological features of the plant *cannabis* of the genus *Cannabis*;"

SECTION 7.

Code Section 31-2A-18, relating to the establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards, quarterly reports, and waiver forms, is amended by revising paragraph (3) of subsection (a) and subsections (c) and (e) as follows:

"(3) 'Condition' means:

- (A) Cancer, when such ~~diagnosis is end stage or the treatment~~ disease produces related wasting illness, recalcitrant nausea, and vomiting;
- (B) Amyotrophic lateral sclerosis, ~~when such diagnosis is severe or end stage~~;
- (C) Seizure disorders related to diagnosis of epilepsy or trauma related head injuries;
- (D) Multiple sclerosis, ~~when such diagnosis is severe or end stage~~;
- (E) Crohn's disease, ulcerative colitis, or irritable bowel syndrome;
- (F) Mitochondrial disease;
- (G) Parkinson's disease, ~~when such diagnosis is severe or end stage~~; or
- (H) Sickle cell disease, ~~when such diagnosis is severe or end stage~~;
- (I) Autism spectrum disorder;
- (J) Epidermolysis bullosa;
- (K) Human immunodeficiency virus or acquired immune deficiency syndrome;
- (L) Peripheral neuropathy;
- (M) Tourette's syndrome;
- (N) Terminal illness, with a probable life expectancy of less than two years, if the illness or its treatment produces one or more of the following:
 - (i) Severe pain;
 - (ii) Nausea or severe vomiting; or
 - (iii) Cachexia or severe wasting; or
- (O) Post-traumatic stress disorder."

"(c) The purpose of the registry is to provide a registration of individuals and caregivers who have been issued registration cards. The department shall establish procedures and promulgate rules and regulations for the establishment and operation of the registration process and dispensing of registry cards to individuals and caregivers. ~~Only individuals residing in this state for at least one year or a child born in this state less than one year old shall be eligible for registration under this Code section. Nothing in this Code section shall apply to any Georgia residents living temporarily in another state for the purpose of securing THC oil for treatment of any condition under this Code section.~~"

"(e) The board shall require physicians to issue ~~quarterly reports~~ an annual report to the board. Such ~~reports~~ report shall require physicians to provide information, including, but not limited to, dosages recommended for a particular condition, clinical responses, compliance, responses to treatment, side effects, and drug interactions."

SECTION 8.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising subsections (a) and (b) of Code Section 40-5-75, relating to suspension of driver's licenses by operation of law, as follows:

"(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of a controlled substance ~~or marijuana~~ in violation of paragraph (2), (4), ~~or (6)~~, or (7) of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed by mail; and

(3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of \$25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

- (i) Going to his or her place of employment or performing the normal duties of his or her occupation;
- (ii) Receiving scheduled medical care or obtaining prescription drugs;
- (iii) Attending a college or school at which he or she is regularly enrolled as a student; or
- (iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$410.00 or \$400.00 when such reinstatement is processed by mail.

(b) Except as provided in Code Section 40-5-76, whenever a person is convicted of driving or being in actual physical control of any moving vehicle while under the influence of a controlled substance ~~or marijuana~~ in violation of paragraph (2), (4), ~~or~~ (6), ~~or~~ (7) of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur."

SECTION 9.

Said title is further amended in subsection (a) of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, by deleting "or" at the end of paragraph (5), by revising paragraph (6), and by adding a new paragraph to read as follows:

"(6) Subject to the provisions of subsection (b) of this Code section, there is any amount of ~~marijuana~~ ~~or~~ a controlled substance, as defined in Code Section 16-13-21,

present in the person's blood or urine, or both, including the metabolites and derivatives of ~~each or both~~ a controlled substance without regard to whether or not any alcohol is present in the person's breath or blood; or

(7) The concentration of delta 9-tetrahydrocannabinol is two nanograms per milliliter or more as shown by analysis of the person's blood, without regard to whether or not any alcohol is present in the person's breath or blood, at any time within three hours after such driving or being in actual physical control from delta 9-tetrahydrocannabinol ingested before such driving or being in actual physical control ended."

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	N Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Taylor, D
Y Broadrick	E Duncan	E Jones, L	N Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
N Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	N Gilligan	Y Martin	Rynders	Y Williams, A

Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	N Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 8.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1014. By Representatives Powell of the 171st and Williamson of the 115th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from state income taxes, so as to extend the sunset date of the existing exemption for donation of real property for conservation use; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch

Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 828. By Representatives Fludd of the 64th, Hawkins of the 27th, Mosby of the 83rd, Buckner of the 137th, Greene of the 151st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of and exemptions from state income taxes, so as to create an income tax credit for employers who hire certain qualified parolees for full-time jobs; to provide for rules and regulations and an application process related to such income tax credit; to provide for certain conditions and limitations; to provide for definitions; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of and exemptions from state income taxes, so as to create an income tax credit for employers who hire certain qualified parolees for full-time jobs; to provide for rules and regulations related to such income tax credit; to provide for certain conditions and limitations; to require annual reporting of certain statistics related to such credit; to provide for definitions; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of and exemptions from state income taxes, is amended by adding a new Code section to read as follows:

"48-7-40.31.

(a) As used in this Code section, the term:

(1) 'Employer' means an enterprise or organization, whether corporation, partnership, limited liability company, proprietorship, association, trust, business trust, real estate trust, or other form of organization, and its affiliates, which is registered and authorized to use the federal employment verification system known as 'E-Verify' or any successor federal employment verification system and is engaged in or carrying on any business activities within this state.

(2) 'Full-time job' means employment which:

(A) Is located in this state;

(B) Involves a regular work week of 30 hours or more;

(C) Has no predetermined end date; and

(D) Pays at or above the average hourly wage of the county with the lowest average hourly wage in the state, as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor.

(3) 'Qualified parolee' means an individual who has been granted parole in accordance with Code Section 42-9-45 within 12 months preceding his or her date of hire for a full-time job.

(b)(1) For the period beginning on or after January 1, 2017, and before January 1, 2020, an employer that employs a qualified parolee in a full-time job for at least 40 weeks during a 12 month period shall be eligible for an income tax credit in the amount of \$2,500.00 for each qualified parolee so employed against the tax imposed under this article during such 12 month period; provided, however, that a qualified parolee first employed in a full-time job by such employer before January 1, 2017, shall not qualify.

(2) An employer shall only be eligible to receive credits provided by this subsection in an amount up to \$50,000.00 per taxable year.

(3) An employer shall only be eligible to receive the credit provided by this subsection once per individual.

(c) In no event shall the credit provided by subsection (b) of this Code section for a taxable year exceed the employer's income tax liability. Any unused portion of the credit provided by subsection (b) of this Code section shall be permitted to be carried forward and applied to the employer's tax liability for the subsequent three years. The credit provided by subsection (b) of this Code section shall not be applied against the employer's prior years' tax liabilities.

(d) On or before September 1 of 2018, 2019, and 2020, the commissioner shall issue a report to the chairpersons of the Senate Finance Committee and the House Committee on Ways and Means concerning the tax credit created by this Code section, which shall include the following statistics for the preceding taxable year:

- (1) The total number of employers that claimed a credit provided by this Code section; and
- (2) The number and total value of all credits earned and all credits applied during such tax year pursuant to this Code section.
- (e) The commissioner shall promulgate rules and regulations and forms necessary to implement and administer the provisions of this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to taxable years beginning on or after January 1, 2017.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	N Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	N Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	N Dollar	Y Howard	Y Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	N Petrea	N Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	N Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efratation	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	N Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	N Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	N Rutledge	Y Willard

Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 16.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 935. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Duncan of the 26th and others:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem tax, so as to add certain fulfillment centers to properties eligible for a freeport exemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem tax, so as to add certain fulfillment centers to properties eligible for a freeport exemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem tax, is amended by revising subsection (b) of Code Section 48-5-48.1, relating to an exemption for tangible personal property inventory, as follows:

"(b) The application for the level 1 freeport exemption shall provide for:

(1) A schedule of the inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in the State of Georgia;

(2) A schedule of the inventory of finished goods manufactured or produced within the State of Georgia in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods; ~~and~~

(3) A schedule of the inventory of finished goods which on January 1 are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for shipment outside the State of Georgia and the inventory of finished goods which are shipped into the State of Georgia from outside this state and which are stored for transshipment to a final destination outside this state. The information required by Code Section 48-5-48.2 to be contained in the official books and records of the warehouse, dock, or wharf where such property is being stored, which official books and records are required to be open to the inspection of taxing authorities of this state and political subdivisions thereof, shall not be required to be included as a part of or to accompany the application for such exemption; and

(4) A schedule of the stock in trade of a fulfillment center which on January 1 are stored in the fulfillment center. The information required by Code Section 48-5-48.2 to be contained in the official books and records of the fulfillment center where such property is being stored, which official books and records are required to be open to the inspection of the taxing authorities of this state and political subdivisions thereof, shall not be required to be included as a part of or to accompany the application for such exemption."

SECTION 2.

Said part is further amended by revising Code Section 48-5-48.2, relating to the level 1 freeport exemption, as follows:

"48-5-48.2.

(a) This Code section shall be known and may be cited as the 'Level 1 Freeport Exemption.'

(b) As used in this Code section, the term:

(1) 'Destined for shipment to a final destination outside this state' means, for purposes of a level 1 freeport exemption, that portion or percentage of an inventory of finished goods which the taxpayer can establish, through a historical sales or shipment analysis, either of which utilizes information from the preceding calendar year, or other reasonable, documented method, is reasonably anticipated to be shipped to a final destination outside this state. Such other reasonable, documented method may only be utilized in the case of a new business, in the case of a substantial change in scope of an existing business, or in other unusual situations where a historical sales or shipment analysis does not adequately reflect future anticipated shipments to a final destination outside this state. It is not necessary that the actual final destination be known as of January 1 in order to qualify for the exemption.

(2) 'Finished goods' means, for purposes of a level 1 freeport exemption, goods, wares, and merchandise of every character and kind but shall not include unrecovered,

unextracted, or unsevered natural resources or raw materials or goods in the process of manufacture or production or the stock in trade of a retailer.

(3) 'Foreign merchandise in transit' means, for purposes of a level 1 freeport exemption, any goods which are in international commerce where the title has passed to a foreign purchaser and the goods are temporarily stored in this state while awaiting shipment overseas.

(4) 'Fulfillment center' means, for purposes of a level 1 freeport exemption, a business location in Georgia which is used to pack, ship, store, or otherwise process tangible personal property sold by electronic, Internet, telephonic, or other remote means, provided that such a business location does not allow customers to purchase or receive goods onsite at such business location.

(5) 'Raw materials' means, for purposes of a level 1 freeport exemption, any material, whether crude or processed, that can be converted by manufacture, processing, or a combination thereof into a new and useful product but shall not include unrecovered, unextracted, or unsevered natural resources.

(6) 'Stock in trade of a fulfillment center' means, for purposes of a level 1 freeport exemption, goods, wares, and merchandise held by one in the business of making sales of such goods when such goods are held or stored at a fulfillment center.

~~(5)~~(7) 'Stock in trade of a retailer' means, for purposes of a level 1 freeport exemption, finished goods held by one in the business of making sales of such goods at retail in this state, within the meaning of Chapter 8 of this title, when such goods are held or stored at a business location from which such retail sales are regularly made. Goods stored in a warehouse, dock, or wharf, including a warehouse or distribution center which is part of or adjoins a place of business from which retail sales are regularly made, shall not be considered stock in trade of a retailer to the extent that the taxpayer can establish, through a historical sales or shipment analysis, either of which utilizes information from the preceding calendar year, or other reasonable, documented method, the portion or percentage of such goods which is reasonably anticipated to be shipped outside this state for resale purposes.

(c) The governing authority of any county or municipality may, subject to the approval of the electors of such political subdivision, exempt from ad valorem taxation, including all such taxes levied for educational purposes and for state purposes, all or any combination of the following types of tangible personal property:

(1) Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this state. The exemption provided for in this paragraph shall apply only to tangible personal property which is substantially modified, altered, or changed in the ordinary course of the taxpayer's manufacturing, processing, or production operations in this state. For purposes of this paragraph, the following activities shall constitute substantial modification in the ordinary course of manufacturing, processing, or production operations:

- (A) The cleaning, drying, pest control treatment, or segregation by grade of grain, peanuts or other oil seeds, or cotton;
 - (B) The remanufacture of aircraft engines or aircraft engine parts or components, meaning the substantial overhauling or rebuilding of aircraft engines or aircraft engine parts or components; and
 - (C) The blending of fertilizer bulk materials into a custom mixture, whether performed at a commercial fertilizer blending plant, retail outlet, or any application site;
- (2) Inventory of finished goods manufactured or produced within this state in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is produced or manufactured; ~~or~~
- (3) Inventory of finished goods which, on January 1, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for shipment to a final destination outside this state and inventory of finished goods which are shipped into this state from outside this state and stored for transshipment to a final destination outside this state, including foreign merchandise in transit. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is stored in this state. Such period shall be determined based on application of a first-in, first-out method of accounting for the inventory. The official books and records of the warehouse, dock, or wharf where such property is being stored shall contain a full, true, and accurate inventory of all such property, including the date of the receipt of the property, the date of the withdrawal of the property, the point of origin of the property, and the point of final destination of the same, if known. The official books and records of any such warehouse, dock, or wharf, whether public or private, pertaining to any such property for which a freeport exemption has been claimed shall be at all times open to the inspection of all taxing authorities of this state and of any political subdivision of this state; or
- (4) Stock in trade of a fulfillment center which, on January 1, are stored in a fulfillment center and which are made available to remote purchasers who may make such purchases by electronic, Internet, telephonic, or other remote means, and where such stock in trade of a fulfillment center will be shipped from the fulfillment center and delivered to the purchaser at a location other than the location of the fulfillment center. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is stored in this state. Such period shall be determined based on application of a first-in, first-out method of accounting for the inventory. The official books and records of the fulfillment center where such property is being stored shall contain a full, true, and accurate inventory of all such property, including the date of the receipt of the property and the date of the withdrawal of the property. The official books and records of any such fulfillment center pertaining to any such property for which a freeport exemption has been

claimed shall be at all times open to the inspection of all taxing authorities of this state and of any political subdivision of this state.

(d) Whenever the governing authority of any county or municipality wishes to exempt such tangible property from ad valorem taxation, as provided in this Code section, the governing authority thereof shall notify the election superintendent of such political subdivision, and it shall be the duty of said election superintendent to issue the call for an election for the purpose of submitting to the electors of the political subdivision the question of whether such exemption shall be granted. The referendum ballot shall specify as separate questions the type or types of property as defined in this Code section which are being proposed to be exempted from taxation. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540.

(e) The governing authority of any county or municipality wherein an exemption has been approved by the voters as provided in this Code section may, by appropriate resolution, a copy of which shall be immediately transmitted to the state revenue commissioner, exempt from taxation 20 percent, 40 percent, 60 percent, 80 percent or all of the value of such tangible personal property as defined in this Code section; provided, however, that once an exemption has been granted, no reduction in the percent of the value of such property to be exempted may be made until and unless such exemption is revoked or repealed as provided in this Code section. An increase in the percent of the value of the property to be exempted may be accomplished by appropriate resolution of the governing authority of such county or municipality, and a copy thereof shall be immediately transmitted to the state revenue commissioner, provided that such increase shall be in increments of 20 percent, 40 percent, 60 percent, or 80 percent of the value of such tangible personal property as defined in this Code section, within the discretion of such governing authority.

(f)(1) If more than one-half of the votes cast on such question are in favor of such exemption, then such exemption may be granted by the governing authority commencing on the first day of any ensuing calendar year; otherwise, such exemption may not be granted. This paragraph is intended to clearly provide that following approval of such exemption in such referendum, such exemption may be granted on the first day of any calendar year following the year in which such referendum was conducted. This paragraph shall not be construed to imply that the granting of such exemption could not previously be delayed to any such calendar year.

(2) Exemptions may only be revoked by a referendum election called and conducted as provided in this Code section, provided that the call for such referendum shall not be issued within five years from the date such exemptions were first granted and, if the results of said election are in favor of the revocation of such exemptions, then such revocation shall be effective only at the end of a five-year period from the date of such referendum.

(g) Level 1 freeport exemptions effected pursuant to this Code section may be granted either in lieu of or in addition to level 2 freeport exemptions under Code Section 48-5-48.6.

(h) The commissioner shall by regulation adopt uniform procedures and forms for the use of local officials in the administration of this Code section."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 990. By Representative Powell of the 171st:

A BILL to be entitled an Act to amend Chapter 5C of Title 48 of the Official Code of Georgia Annotated, relating to alternative ad valorem tax on motor vehicles, so as to change certain definitions regarding such taxation; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-5-299 of the Official Code of Georgia Annotated, relating to ascertainment of taxable property and changing values established by certain appeal or agreement, so as to change certain provisions regarding the changing values established by certain appeal or agreement; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-299 of the Official Code of Georgia Annotated, relating to ascertainment of taxable property and changing values established by certain appeal or agreement, is amended by revising subsection (c), as follows:

"(c) When the value of real property is reduced ~~or is unchanged~~ from the value on the initial annual notice of assessment ~~or a corrected annual notice of assessment issued by the board of tax assessors~~ and such valuation ~~is~~ has been established as the result of ~~either an appeal decision rendered by the board of equalization, hearing officer, arbitrator, or superior court pursuant to Code Section 48-5-311 or stipulated by written agreement of the parties to such an appeal that this subsection shall apply in any year signed by the board of tax assessors and taxpayer or taxpayer's authorized representative,~~ the new valuation so established by appeal decision or agreement may not be increased by the board of tax assessors during the next two successive years, unless otherwise agreed in writing by both parties, subject to the following exceptions:

(1) This subsection shall not apply to a valuation established by an appeal decision if the taxpayer or his or her authorized representative failed to attend the appeal hearing or provide the board of equalization, hearing officer, or arbitrator with some written evidence supporting the taxpayer's opinion of value;

(2) This subsection shall not apply to a valuation established by an appeal decision or agreement if the taxpayer files a return at a different valuation during the next two successive years;

(3) If the taxpayer files an appeal pursuant to Code Section 48-5-311 during the next two successive years, the board of tax assessors, the board of equalization, hearing officer, or arbitrator may increase or decrease the value of the real property based on the evidence presented by the ~~parties~~ taxpayer during the appeal process; and

(4) The board of tax assessors may increase ~~or decrease~~ the value of the real property if, after a visual on-site inspection of the property, it is found that there have been substantial additions, deletions, or improvements to such property or that there are errors in the board of tax assessors' records as to the description or characterization of the property, or the board of tax assessors finds an occurrence of other material factors that substantially affect the current fair market value of such property."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell

Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	N Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 2.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 936. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Duncan of the 26th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from income taxes, so as to clarify certain terms in respect to the wages necessary to qualify for a jobs tax credit; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin

Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 937. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Williamson of the 115th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to change the sunset provision for the exemption for projects of regional significance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall

Y Bennett, T	Y Dollar	Y Howard	Y Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	N Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	E Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 161, nays 6.

The Bill, having received the requisite constitutional majority, was passed.

HB 934. By Representatives Kirby of the 114th, Benton of the 31st, Dawkins-Haigler of the 91st, Dickerson of the 113th, Stephenson of the 90th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions applicable to social services, so as to authorize the Department of Human Services to provide a separate link or portal on its website providing kinship caregivers with information and access necessary to apply for public assistance benefits; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M

Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 889. By Representative Kidd of the 145th:

A BILL to be entitled an Act to amend Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to the operation of funeral establishments and crematories, so as to authorize certain advertisements related to crematories and cremation services; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to the operation of funeral establishments and crematories, so as to authorize certain advertisements related to crematories and cremation services; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to the operation of funeral establishments and crematories, is amended by adding a new Code section to read as follows:

"43-18-81.

Any person, firm, corporation, or association licensed under this chapter to operate one or more funeral establishments but only one crematory may advertise access to a crematory and cremation services on all forms of advertisements related to any such funeral establishment, provided that all of the funeral establishments which are the subject of such advertisements are operated under the same name and are located within a 40 mile radius from the location of the crematory."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representatives Bentley of the 139th and Turner of the 21st were excused from voting on HB 889.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Smyre
Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	N Stover
Bentley	Y Douglas	Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D

Y Broadrick	Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	N Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	N Williamson
Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 149, nays 13.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 955. By Representatives Yates of the 73rd, Fludd of the 64th and Mabra of the 63rd:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of Fayette County, approved March 9, 1959 (Ga. L. 1959, p. 2431), as amended, particularly by an Act approved March 13, 1978 (Ga. L. 1978, p. 3399), so as to revise the districts for the election of members of the board of commissioners; to provide for definitions and inclusions; to provide for method of election; to provide for the continuation in office of current members; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 12. By Representatives Rogers of the 10th, Yates of the 73rd, Meadows of the 5th, Holcomb of the 81st, Hitchens of the 161st and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud and related offenses, so as to establish the criminal offense of fraudulent representation of military service; to provide for a short title; to provide for definitions; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud and related offenses, so as to create an offense involving the fraudulent representation of military service or award received due to military service; to provide for definitions; to provide for penalties; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Military Service Integrity and Preservation Act."

SECTION 2.

Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud and related offenses, is amended by adding a new Code section to read as follows:

"16-9-63.

(a) As used in this Code section, the term:

(1) 'Armed forces of the United States' means the army, navy, air force, marine corps, or coast guard and the reserve components thereof and the uniformed components of the Public Health Service or the National Oceanic and Atmospheric Administration.

(2) 'Military decoration' means:

(A) A medal, decoration, badge, or ribbon authorized by law, executive order, or regulation to be awarded to a member of the armed forces of the United States by the President of the United States, Congress, the United States Department of Defense, or the United States Department of Homeland Security;

- (B) A medal, decoration, badge, or ribbon authorized by law, executive order, or regulation to be awarded to members of the organized militia; or
- (C) A rosette or metal lapel button depicting a medal, decoration, badge, or ribbon described in subparagraph (A) or (B) of this paragraph which is authorized by law, executive order, or regulation to be worn on civilian clothing.
- (3) 'Military medal award' shall have the same meaning as provided for under Code Section 40-2-85.1.
- (4) 'Military veteran' means a current, former, or retired member of the armed forces of the United States, the organized militia, or a state military force of another state.
- (5) 'Organized militia' means the Army National Guard, the Air National Guard, the Georgia Naval Militia, and the State Defense Force.
- (6) 'Tangible benefit' means:
 - (A) A benefit, preference, service, or other thing of value offered to a military veteran which is enhanced or offered at a reduced rate or free of charge by an agency of this state, or any political subdivision or authority thereof, based on such military veteran's service or the award of a military decoration;
 - (B) Employment or promotion in an individual's employment; or
 - (C) Election to public office.
- (b) It shall be unlawful for any individual, with the intent to secure a tangible benefit for himself or herself, to make a false, fictitious, or fraudulent statement or representation that such individual is a military veteran or recipient of a military decoration.
- (c) It shall be unlawful for any individual, with the intent to deceive, to appear in a court of this state while wearing:
 - (1) The uniform of the armed forces of the United States or of the organized militia of this state if such individual is not authorized to wear such uniform; or
 - (2) Any military decoration which such individual has not, in fact, been awarded.
- (d) Any person who violates this Code section shall be guilty of a misdemeanor; provided, however, that if such violation involves a military medal award, such person shall be guilty of a misdemeanor of a high and aggravated nature.
- (e) Any violation of this Code section shall be considered a separate offense and shall not merge with any other offense. If an individual is convicted of a violation of Code Section 16-10-20 and this Code section arising out of the same incident, any penalty imposed for a violation of this Code section shall be served consecutively to any sentence that may be imposed for a violation of Code Section 16-10-20."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1066. By Representatives Powell of the 32nd, Taylor of the 173rd, Jasperse of the 11th and Blackmon of the 146th:

A BILL to be entitled an Act to amend Code Section 42-2-8 of the Official Code of Georgia Annotated, relating to additional duties of the commissioner of corrections, so as to authorize the chief of staff to the commissioner to

issue warrants for the arrest of an offender who has escaped from the custody of the department; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	N Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 164, nays 6.

The Bill, having received the requisite constitutional majority, was passed.

Representative Welch of the 110th moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 699. By Representatives Welch of the 110th, Setzler of the 35th, Strickland of the 111th and Tanner of the 9th:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to provisions applicable to counties, municipal corporations, and other governmental entities, so as to define a certain term; to provide that when a majority of an elected governing body is not elected to serve the next term of office, such body shall not have the authority to incur debt, execute contracts, or dispose of assets; to provide that such contracts or instruments of indebtedness shall be void ab initio; to provide for a cause of action to enforce such provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The House stood at ease until 2:00 o'clock, this afternoon.

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 1556. By Representatives Setzler of the 35th, Ehrhart of the 36th, Reeves of the 34th, Teasley of the 37th, Smith of the 41st and others:

A RESOLUTION congratulating the Allatoona High School Buccaneer football team on winning the GHSA AAAAAA State Championship; and for other purposes.

HR 1557. By Representative Ralston of the 7th:

A RESOLUTION recognizing and congratulating Mr. Brian Finnicum on the occasion of his retirement; and for other purposes.

HR 1558. By Representative Williams of the 119th:

A RESOLUTION commending Mr. Gunter W. Daniell on the grand occasion of his 100th birthday; and for other purposes.

HR 1559. By Representatives Ehrhart of the 36th, Reeves of the 34th, Evans of the 42nd, Carson of the 46th, Maxwell of the 17th and others:

A RESOLUTION recognizing and commending the students, coaches, and staff involved with the inaugural football season at Kennesaw State University; and for other purposes.

HR 1560. By Representatives Ehrhart of the 36th, Reeves of the 34th, Evans of the 42nd, Carson of the 46th, Maxwell of the 17th and others:

A RESOLUTION recognizing and commending Dr. Thomas Currin, Dean of the College of Southern Polytechnic College of Engineering and Engineering Technology at Kennesaw State University, and students Valerie Washington and Kurt Jacobson for earning three of the top six annual awards from the Georgia Society of Professional Engineers; and for other purposes.

HR 1561. By Representative Ramsey of the 72nd:

A RESOLUTION recognizing and commending Ryan Patrick Cockes; and for other purposes.

HR 1562. By Representative Ramsey of the 72nd:

A RESOLUTION recognizing and commending Harrison Dean Jaggers; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 171. By Representatives Hightower of the 68th, Ramsey of the 72nd, Jasperse of the 11th, Atwood of the 179th, Allison of the 8th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 1 of the O.C.G.A., relating to laws and statutes, so as to revise provisions relating to the effect and enforcement of foreign laws; to provide that no court, arbitration panel, administrative agency, or other tribunal shall enforce a foreign law if doing so would violate a right guaranteed by the United States Constitution or the Georgia Constitution; to provide for definitions; to provide for exceptions; to change provisions relating to forum non conveniens; to amend Part 1 of Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to general provisions relating to venue, so as to provide for a cross-reference; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to general provisions relating to venue, so as to provide for an additional consideration for the court to consider in applying the doctrine of forum non conveniens; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to general provisions relating to venue, is amended by revising Code Section 9-10-31.1, relating to forums outside of this state, as follows:

"9-10-31.1.

(a) If a court of this state, on written motion of a party, finds that in the interest of justice and for the convenience of the parties and witnesses a claim or action would be more properly heard in a forum outside this state or in a different county of proper venue within this state, the court shall decline to adjudicate the matter under the doctrine of forum non conveniens. As to a claim or action that would be more properly heard in a forum outside this state, the court ~~shall~~ may dismiss the claim or action. As to a claim or action that would be more properly heard in a different county of proper venue within this state, the venue shall be transferred to the appropriate county. In determining whether to grant a motion to dismiss an action or to transfer venue under the doctrine of forum non conveniens, the court shall give consideration to the following factors:

- (1) Relative ease of access to sources of proof;
- (2) Availability and cost of compulsory process for attendance of unwilling witnesses;
- (3) Possibility of viewing of the premises, if viewing would be appropriate to the action;
- (4) Unnecessary expense or trouble to the defendant not necessary to the plaintiff's own right to pursue his or her remedy;
- (5) Administrative difficulties for the forum courts;
- (6) Existence of local interests in deciding the case locally; ~~and~~
- (7) Whether the forum outside of this state provides for impartial tribunals and procedures that are consonant to the requirements of due process of law as required by the Constitutions of the United States and the State of Georgia; and
- ~~(7)~~(8) The traditional deference given to a plaintiff's choice of forum.

(b) A court ~~may~~ shall not dismiss a claim under this Code section until the defendant files with the court or with the clerk of the court a written stipulation that, with respect to a new action on the claim commenced by the plaintiff, all the defendants waive the right to assert a statute of limitations defense in all other states of the United States in which the claim was not barred by limitations at the time the claim was filed in this state as necessary to effect a tolling of the limitations periods in those states beginning on the date the claim was filed in this state and ending on the date the claim is dismissed."

SECTION 2.

This Act shall become effective on July 1, 2016, and shall apply to civil actions arising on or after July 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Jordan	Y Pruett	Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 727. By Representatives Battles of the 15th, Turner of the 21st, Parsons of the 44th, LaRiccia of the 169th and Kaiser of the 59th:

A BILL to be entitled an Act to amend Chapter 10 of Title 25 of the O.C.G.A., relating to regulation of fireworks, so as to revise provisions relating to the sale, use, or explosion thereof; to amend Chapter 60 of Title 36 of the O.C.G.A., relating to general provisions regarding local government provisions applicable to counties and municipal corporations, so as to provide for certain further regulations by counties, municipal corporations, and consolidated governments; to amend Article 7 of Chapter 13 of Title 48 of the O.C.G.A., relating to taxation of consumer fireworks, so as to provide for local excise taxation of consumer fireworks and the collection of such excise tax; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, so as to revise provisions relating to the sale, use, or explosion thereof; to provide for definitions; to distinguish between consumer fireworks retail sales facilities and consumer fireworks retail sales stands; to revise the days, times, and locations in which consumer fireworks may be lawfully used or exploded; to revise the days, times, places, situations, and circumstances within this state where the use or explosion of consumer fireworks may be prohibited or subject to further regulation; to create a criminal offense relating to the use or explosion of consumer fireworks while under the influence; to provide for criminal penalties; to provide for the sale of consumer fireworks from temporary consumer fireworks retail sales facilities; to provide for licensing for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales facility; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding local government provisions applicable to counties and municipal corporations, so as to provide for certain further regulations by counties, municipal corporations, and consolidated governments; to amend Article 7 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of consumer fireworks, so as to provide for local excise taxation of consumer fireworks and the collection of such excise tax; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, is amended in subsection (a) of Code Section 25-10-1, relating to definitions, by revising paragraph (2) and adding four new paragraphs to read as follows:

"(2) 'Consumer fireworks retail sales facility' shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include consumer fireworks retail sales stands, and provided, further, that such term in reference to a temporary building or structure shall include a tent, canopy, or membrane structure."

"(4.1) 'Electric plant' shall have the same meaning as provided for in Code Section 46-3A-1."

"(8.1) 'Public gathering' means any mass congregated gathering of persons, including, but not limited to, athletic or sporting events, church assemblies, and political rallies and functions."

"(12) 'Wastewater treatment plant' shall have the same meaning as provided for in Code Section 43-51-2."

"(13) 'Water treatment plant' shall have the same meaning as provided for in Code Section 43-51-2."

SECTION 2.

Said chapter is further amended by revising paragraphs (3) and (6) of subsection (b) of Code Section 25-10-2, relating to prohibited fireworks activities, as follows:

"(3)(A) It shall be unlawful to use or explode or cause to be exploded fireworks, consumer fireworks, or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors, within five yards of a vertical or overhead obstruction, or across, into, or within the right of way of a public road, street, highway, or railroad of this state.

(B) Except as provided for in ~~subparagraph (D)~~ subparagraphs (D) through (F) of this paragraph and subject to paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on:

(i) January 1 of each year between the times of 12:00 Midnight and 1:00 A.M. and 10:00 A.M. and 11:59 P.M.;

(ii) July 3, July 4, and December 31 of each year between the times of 10:00 A.M. and 11:59 P.M.; and

(iii) Any ~~any~~ day, other than those provided for in divisions (i) and (ii) of this subparagraph, between the ~~hours~~ times of 10:00 A.M. and 12:00 Midnight only; provided, however, that it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on January 1, July 3, July 4, and December 31 of each year between the hours of 12:00 Midnight and 2:00 A.M. 10:00 P.M. if such use or explosion is lawful pursuant to any noise ordinance of the county, municipal corporation, or consolidated government of the location in which such use or explosion occurs.

(C) Subject to subparagraphs (D) through (F) of this paragraph, paragraph (4) of this subsection, and Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks anywhere in this state except:

(i) As provided for under subparagraph (A) of this paragraph and Code Section 25-10-2.1;

(ii) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or explode or cause to be exploded any consumer fireworks; ~~or~~

(iii) Within 100 yards of ~~a nuclear power facility or an electric plant; water treatment plant; wastewater treatment plant; a facility engaged in the retail sale of gasoline or other flammable or combustible liquids or gases where the volume stored is in excess of 500 gallons or in containers of 500 water gallons; a facility engaged in the production, refining, processing, or blending of gasoline any flammable or combustible liquids or gases for such retail purposes; any public or private electric substation; or a jail or prison;~~

(iv) Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 31; provided, however, that an owner or operator of such facility may use or explode or cause to be exploded consumer fireworks on the property of such facility;

(v) Upon any property owned or operated by, for, or under the custody and control of a governing authority of a county, municipal corporation, or consolidated government; provided, however, that such governing authority may use or explode or cause to be exploded consumer fireworks on such property;

(vi) At a public gathering where, in the discretion of a law enforcement agency, local fire department, or employees of the state fire marshal's office having operational jurisdiction within the location of such use or explosion of consumer fireworks, such use or explosion of consumer fireworks is determined to not be reasonable in the interest of public safety; provided, however, that such law enforcement agency, local fire department, or employees of the state fire marshal's office provide notice of such determination or direct such person, firm, corporation, association, or partnership to cease such use or explosion of consumer fireworks;

(vii) While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to use or explode or cause to be exploded consumer fireworks as provided for in Code Section 25-10-2.1; or

(viii) For the purpose of deliberately or intentionally harassing, intimidating, or causing harm to others or where a law enforcement officer has probable cause to believe that such use or explosion is for the purpose of deliberately or intentionally harassing, intimidating, or causing harm to others.

(D) Any person, firm, corporation, association, or partnership may use or explode or cause to be exploded any consumer fireworks on any day at a time not provided

for under subparagraph (B) of this paragraph if such person, firm, corporation, association, or partnership is issued a special use permit pursuant to the law of a governing authority of a county or municipal corporation for the use or explosion of consumer fireworks in a location within such county or municipality at a time not provided for under subparagraph (B) of this paragraph. Such special use permit shall designate the time or times and location that such person, firm, corporation, association, or partnership may use or explode or cause to be exploded such consumer fireworks. A fee assessed by a county or municipal corporation for the issuance of a special use permit pursuant to this subparagraph shall not exceed \$100.00. No governing authority or official of a county, municipality, or other political subdivision shall bear liability for any decisions made pursuant to this Code section.

(E) Nothing in this chapter shall be construed to prevent the governing authority of a county, municipal corporation, or consolidated government from enforcing any public health or safety law, including, but not limited to, noise and littering ordinances and regulations, in regard to consumer fireworks to the extent permitted under this chapter; provided, however, that no further regulation or restriction by any county, municipal corporation, or consolidated government shall be effective pursuant to this subparagraph on January 1, July 3, July 4, or December 31 of any year.

(F) Whenever the Governor or the director of the Environmental Protection Division of the Department of Natural Resources issues a declaration of drought, the governing authority of any county, municipal corporation, or consolidated government within the boundaries of the area covered by such declaration may enact further regulations and restrictions concerning consumer fireworks than provided for under this chapter, including, but not limited to, a prohibition on the use or explosion of consumer fireworks for the duration of time that such declaration is in effect."

"(6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer fireworks retail sales facility or store only if such permanent consumer fireworks retail sales facility or store is:

- (i) In compliance with the requirements for such a permanent consumer fireworks retail sales facility or store in the selling of consumer fireworks as provided for in NFPA 1124; and
- (ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1.

(B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks retail sales stand only if such temporary consumer fireworks retail sales stand is:

- (i) In compliance with the requirements for such a temporary consumer fireworks retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;

- (ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political subdivision or a fire department connection of a building affiliated with such consumer fireworks retail sales stand, unless the chief administrative officer of the fire department of a county, municipality, or other political subdivision or chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this title and having operational authority over such location of the temporary consumer fireworks retail sales stand provides in writing that such temporary consumer fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant or fire department connection; and
- (iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1.

No distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 shall at any one time operate more than two temporary consumer fireworks retail sales stands for each license issued to such distributor under subsection (b) or (d) of Code Section 25-10-5.1, except that a distributor which is a retail chain and which is licensed pursuant to subsection (d) of Code Section 25-10-5.1 shall not at any one time operate more than two temporary consumer fireworks retail sales stands for each store of such retail chain. Such temporary consumer fireworks retail sales stands shall be located within the same county as the location of such permanent consumer fireworks retail sales facility or store provided for under subsection (b) or (d) of Code Section 25-10-5.1; provided, however, that if a county does not have a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within its boundaries, then a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within 75 miles of the perimeter of the boundaries of such county may locate one of the two temporary consumer fireworks retail sales stands in the unserved county.

(C) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks retail sales facility only if such temporary consumer fireworks retail sales facility is:

- (i) In compliance with the requirements for such temporary consumer fireworks retail sales facility in the selling of consumer fireworks as provided for in NFPA 1124;
- (ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political subdivision or a fire department connection of a building affiliated with such temporary consumer fireworks retail sales facility, unless the chief administrative officer of the fire department of a county, municipality, or other political subdivision or chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this title and having operational authority over such location of the temporary consumer fireworks retail sales facility provides in writing that such temporary consumer fireworks retail sales facility may operate in excess of 1,000 feet from such fire hydrant or fire department connection; and

(iii) Selling consumer fireworks from a distributor licensed pursuant to subsection (e) of Code Section 25-10-5.1.

(D) It shall be unlawful to sell consumer fireworks from any motor vehicle or from a trailer towed by a motor vehicle."

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"25-10-2.1

(a) It shall be unlawful for any person to use or explode or cause to be exploded fireworks or consumer fireworks while:

(1) Under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is unsafe for such person to use or explode or cause to be exploded consumer fireworks or fireworks;

(2) Such person's alcohol concentration is 0.08 grams or more; or

(3) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in such person's blood or urine, or both, including the metabolites and derivatives of each or both, without regard to whether or not any alcohol is present in such person's breath or blood.

(b) The fact that any person charged with violating this Code section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Code section; provided, however, that such person shall not be in violation of this Code section unless such person is rendered incapable of using or exploding or causing to be exploded consumer fireworks or fireworks safely as a result of using a drug other than alcohol which such person is legally entitled to use.

(c) Any person convicted of violating subsection (a) of this Code section shall be guilty of a misdemeanor."

SECTION 4.

Said chapter is further amended in Code Section 25-10-5.1, relating to requirements for issuance of license to distribute consumer fireworks, by adding a new subsection to read as follows:

"(e)(1) The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales facility shall be \$750.00 per location, payable to the governing authority of the county, municipality, or other political subdivision of this state in whose boundaries such temporary consumer fireworks retail sales facility shall be located or is proposed to be located. Upon finding that a distributor has met the requirements of paragraph (4) of this subsection, paragraph (1) of subsection (a) of this Code section, and subparagraph (b)(6)(C) of Code Section 25-10-2 and upon payment of such license fee, such license shall be issued by the fire department of the county, municipality, or other political subdivision or the chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this title and having operational authority of the area in which such temporary consumer fireworks retail

sales facility shall be located or is proposed to be located. Such license shall identify the temporary consumer fireworks retail sales facility applicable to such license. Such license may be valid for only the dates of June 18 through July 6 of each year and December 20 of each year through January 1 of the following year; provided, however, that no such license shall be issued no more than 90 days prior to each period.

(2) A determination by a fire department as provided for under paragraph (1) of this subsection of whether a distributor has met the requirements for the issuance of a license pursuant to this subsection shall be made within 15 days of the submission of an application for any such license. Such application shall be in writing and, if such fire department provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by such fire department. If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by such fire department, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the temporary consumer fireworks retail sales facility. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection.

(3) The governing authority of a county, municipality, or other political subdivision receiving fees pursuant to this Code section shall expend such fees for public safety purposes.

(4)(A) No license shall be issued pursuant to this subsection unless the application for such license is accompanied by a letter from the office of the state revenue commissioner stating, if true, that the distributor making such application maintains a tax identification number with the Department of Revenue and is in good standing in the performance of filing and remittance of taxes to such department.

(B) Pursuant to Code Section 48-2-12, the state revenue commissioner shall promulgate rules and regulations for the issuance of letters as provided for under this paragraph."

SECTION 5.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding local government provisions applicable to counties and municipal corporations, is amended by revising Code Section 36-60-24, relating to sale or use or explosion of consumer fireworks products, as follows:

"36-60-24.

(a) The governing authority of a county, ~~or~~ municipal corporation, or consolidated government shall not prohibit the sale or use or explosion of consumer fireworks or ~~other~~ products or services which are lawful under ~~subsection (b) of Code Section 25-10-1~~ Chapter 10 of Title 25, unless such prohibition is expressly authorized by general law.

(b) If the sale of a product or service is regulated by Chapter 10 of Title 25, the governing authority of a county, ~~or~~ municipal corporation, or consolidated government

shall not enact additional regulation of the sale or use or explosion of such product or service, unless such additional regulation is expressly authorized by general law.

(c) Notwithstanding subsections (a) and (b) of this Code section, the governing authority of a county, ~~or~~ municipal corporation, or consolidated government may provide for permits or licenses for the sale or use of consumer fireworks as provided for under ~~subsection~~ subsections (c) and (e) of Code Section 25-10-5.1.

(d) Notwithstanding subsections (a) and (b) of this Code section, the governing authority of a county, municipal corporation, or consolidated government may further regulate the sale of consumer fireworks from temporary consumer fireworks retail sales stands.

(e) The governing authority of a county, municipal corporation, or consolidated government shall not unreasonably delay or deny an application for a temporary consumer fireworks retail sales stand or a temporary consumer fireworks retail sales facility.

(f) For purposes of this subsection, the terms 'consumer ~~fireworks~~ fireworks,' 'consumer fireworks retail sales facility,' and 'consumer fireworks retail sales stand' shall have the same meanings as provided in Code Section 25-10-1.

(g) Any ordinance enacted before, on, or after July 1, 2006, by a county or municipal corporation in violation of this Code section is void."

SECTION 6.

Article 7 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of consumer fireworks, is amended by revising Code Section 48-13-131, relating to excise tax imposed, rate of taxation, and payment, as follows:

"48-13-131.

(a)(1) ~~A state~~ A ~~an~~ excise tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale of consumer fireworks and any items provided for in paragraph (2) of subsection (b) of Code Section 25-10-1 in this state at a rate of ~~5~~ 4 percent per item sold.

~~(b)(2)~~ The state excise tax imposed by this article pursuant to this subsection shall be paid by the seller and due and payable in the same manner as would be otherwise required under Article 1 of Chapter 8 of this title.

(b)(1) A local excise tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale of consumer fireworks and any items provided for in paragraph (2) of subsection (b) of Code Section 25-10-1 in this state at a rate of 1 percent per item sold.

(2) The local excise tax imposed pursuant to this subsection shall be paid by the seller and due and payable to the local governing authorities imposing such tax for such sales occurring within their jurisdiction."

SECTION 7.

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 6 of this Act shall become effective on January 1, 2017.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representatives Powell of the 32nd and Battles of the 15th offer the following amendment:

Amend the committee substitute to HB 727 (LC 36 2999S) by replacing lines 3 through 4 with the following:

thereof; to provide for definitions; to revise the days, times, and locations

By replacing lines 9 through 11 with the following:

provide for criminal penalties; to amend

By replacing line 24 with the following:

adding four new paragraphs to read as follows:

By deleting lines 25 through 28.

By replacing line 39 with the following:

Said chapter is further amended by revising paragraph (3) of subsection (b) of Code

By deleting lines 129 through 185.

By deleting lines 208 through 250 and by redesignating Sections 5 through 8 as Sections 4 through 7, respectively.

By replacing lines 267 through 268 with the following:

or licenses for the sale or use of consumer fireworks as provided for under subsection (c) of Code Section 25-10-5.1.

By replacing lines 274 through 276 with the following:

fireworks retail sales stand.

(f) For purposes of this subsection, the terms 'consumer fireworks' and 'consumer fireworks retail sales stand' shall have the

By replacing line 302 with the following:

(b) Section 5 of this Act shall become effective on January 1, 2017.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	N Harden	N Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	Y Smith, L
N Allison	N Cooper	Y Hatchett	N Morris	Y Smith, M
N Atwood	Y Corbett	N Hawkins	Y Mosby	Y Smith, R
N Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
N Barr	N Deffenbaugh	N Hightower	N Nix	N Spencer
Y Battles	N Dempsey	Y Hitchens	Y Oliver	N Stephens, M
Y Beasley-Teague	Y Dickerson	N Holcomb	N Pak	N Stephens, R
Y Belton	N Dickey	N Holmes	N Parrish	Y Stephenson
Y Bennett, K	N Dickson	N Houston	N Parsons	Y Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	N Stover
N Bentley	Y Douglas	N Hugley	N Petrea	N Strickland
N Benton	N Drenner	E Jackson	N Pezold	N Tankersley
N Beskin	N Dudgeon	Y Jasperse	Y Pirkle	N Tanner
N Beverly	N Dukes	N Jones, J	N Powell, A	N Tarvin
Y Blackmon	N Dunahoo	N Jones, J.B.	Y Powell, J	N Taylor, D
N Broadrick	N Duncan	E Jones, L	N Price	N Taylor, T
N Brockway	N Ealum	N Jones, S	N Prince	N Teasley
N Bruce	N Efstration	Y Jordan	N Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Kaiser	N Quick	N Thomas, E
Y Buckner	N England	N Kelley	N Raffensperger	N Trammell
Y Burns	N Epps	N Kendrick	N Rakestraw	N Turner
N Caldwell, J	Y Evans	N Kidd	Y Ramsey	N Waites
N Caldwell, M	N Fleming	N Kirby	Y Randall	Y Watson
Y Cannon	N Floyd	Y Knight	Y Reeves	Y Welch
N Cantrell	Y Fludd	N LaRiccia	Y Rhodes	Weldon
N Carson	N Frazier	N Lott	N Rice	N Werkheiser
Y Carter, A	Y Frye	N Lumsden	N Rogers, C	N Wilkerson
N Carter, D	N Gardner	Y Mabra	N Rogers, T	N Wilkinson
N Casas	N Gasaway	N Marin	N Rutledge	N Willard
N Chandler	N Gilligan	N Martin	N Rynders	N Williams, A
N Cheokas	N Glanton	N Maxwell	Y Scott	N Williams, C
N Clark, D	N Golick	Y Mayo	N Setzler	E Williams, E
N Clark, H	N Gordon	N McCall	N Sharper	N Williamson
N Clark, V	N Gravley	N McClain	Y Shaw	Y Yates
N Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 51, nays 121.

The amendment was lost.

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	N Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstraction	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	N Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 8.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 513. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, so as to revise provisions regarding the procedure for claims asserted against a person or entity arising from an act by that person or entity which could reasonably be construed as an act in furtherance of the right of free speech or the right to petition government for a redress of grievances; to revise definitions; to amend Chapter 5 of Title 51 of the Official Code of Georgia

Annotated, relating to libel and slander, so as to revise a cross-reference; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, so as to revise provisions regarding the procedure for claims asserted against a person or entity arising from an act by that person or entity which could reasonably be construed as an act in furtherance of the right of free speech or the right to petition government for a redress of grievances; to revise definitions; to amend Chapter 5 of Title 51 of the Official Code of Georgia Annotated, relating to libel and slander, so as to revise a cross-reference; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, is amended by revising Code Section 9-11-11.1, relating to exercise of rights of freedom of speech and to petition government for redress of grievances, legislative findings, verification of claims, definitions, procedure on motions, exception, and fees and expenses, as follows:

"9-11-11.1.

(a) The General Assembly of Georgia finds and declares that it is in the public interest to encourage participation by the citizens of Georgia in matters of public significance and public interest through the exercise of their constitutional rights of petition and freedom of speech ~~and the right to petition government for redress of grievances~~. The General Assembly of Georgia further finds and declares that the valid exercise of the constitutional rights of petition and freedom of speech ~~and the right to petition government for a redress of grievances~~ should not be chilled through abuse of the judicial process. To accomplish the declarations provided for under this subsection, this Code section shall be construed broadly.

(b)(1) A claim for relief ~~For any claim asserted~~ against a person ~~or entity~~ arising from ~~an act by that~~ any act of such person ~~or entity~~ which could reasonably be construed as an act in furtherance of the person's right of petition or free speech ~~or the right to petition government for a redress of grievances~~ under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern shall be subject to a motion to strike unless the court determines that the nonmoving party has established that there is a probability that the

~~nonmoving party will prevail on the claim, both the party asserting the claim and the party's attorney of record, if any, shall be required to file, contemporaneously with the pleading containing the claim, a written verification under oath as set forth in Code Section 9-10-113. Such written verification shall certify that the party and his or her attorney of record, if any, have read the claim; that to the best of their knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; that the act forming the basis for the claim is not a privileged communication under paragraph (4) of Code Section 51-5-7; and that the claim is not interposed for any improper purpose such as to suppress a person's or entity's right of free speech or right to petition government, or to harass, or to cause unnecessary delay or needless increase in the cost of litigation. If the claim is not verified as required by this subsection, it shall be stricken unless it is verified within ten days after the omission is called to the attention of the party asserting the claim. If a claim is verified in violation of this Code section, the court, upon motion or upon its own initiative, shall impose upon the persons who signed the verification, a represented party, or both an appropriate sanction which may include dismissal of the claim and an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee.~~

(2) In making the determination as provided for in paragraph (1) of this subsection, the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(3) If the court determines that the nonmoving party under paragraph (1) of this subsection has established a probability that he or she would prevail on the claim, neither that determination nor the fact of such determination shall be admissible in evidence at any later stage of the case or in any subsequent action and no burden or proof or degree of proof otherwise applicable shall be affected by such determination in any later stage of the case or in any subsequent proceeding.

(b.1) In any action subject to subsection (b) of this Code section, a prevailing moving party on a motion to strike shall be granted the recovery of attorney's fees and expenses of litigation related to the action in an amount to be determined by the court based on the facts and circumstances of the case. If the court finds that a motion to strike is frivolous or is solely intended to cause unnecessary delay, the court shall award attorney's fees and expenses of litigation to the nonmoving party prevailing on the motion for the attorney's fees and expenses of litigation associated with the motion in an amount to be determined by the court based on the facts and circumstances of the case.

(c) As used in this Code section, the term 'act in furtherance of the person's right of petition or free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern' includes any shall include:

- (1) Any written or oral statement, or writing, or petition made before or to a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, or any;
- (2) Any written or oral statement, or writing, or petition made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law; or
- (3) Any written or oral statement or writing or petition made in a place open to the public or a public forum in connection with an issue of public interest or concern.
- (d) All discovery and any pending hearings or motions in the action shall be stayed upon the filing of a motion to dismiss or a motion to strike made pursuant to subsection (b) of this Code section until a final decision on the motion. The motion shall be heard not more than 30 days after service unless the emergency matters before the court require a later hearing. The court, on noticed motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding this subsection.
- (e) Nothing in this Code section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, statute, law, or rule.
- (f) This Code section shall not apply to any action brought by the Attorney General or a prosecuting attorney, or a city attorney acting as a prosecutor, to enforce laws aimed at public protection.
- ~~(f)~~(g) Attorney's fees and expenses of litigation under this Code section ~~may~~ shall be requested by motion at any time during the course of the action but not later than 45 days after the final disposition, including but not limited to dismissal by the plaintiff, of the action."

SECTION 2.

Chapter 5 of Title 51 of the Official Code of Georgia Annotated, relating to libel and slander, is amended in Code Section 51-5-7, relating to privileged communications, by revising paragraph (4) as follows:

"(4) Statements made in good faith as part of an act in furtherance of the person's right of petition or free speech ~~or the right to petition government for a redress of grievances~~ under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern, as defined in subsection (c) of Code Section 9-11-11.1;"

SECTION 3.

This Act shall become effective on July 1, 2016.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Evans of the 42nd offers the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to HB 513 (LC 29 7039S) by deleting "to revise definitions;" on line 5.

By replacing lines 17 through 104 with the following:

(a) The General Assembly of Georgia finds and declares that it is in the public interest to encourage participation by the citizens of Georgia in matters of public significance through the exercise of their constitutional rights of freedom of speech and the right to petition government for redress of grievances. The General Assembly of Georgia further finds and declares that the valid exercise of the constitutional rights of freedom of speech and the right to petition government for a redress of grievances should not be chilled through abuse of the judicial process.

(b) ~~For any claim asserted against a person or entity arising from an act by that person or entity which could reasonably be construed as~~ A person in this state may not file or cause to be filed, personally or through its employees or agents, any lawsuit, cause of action, claim, cross-claim, or counterclaim against another person or entity without merit and primarily because such person or entity has taken an act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern, ~~both the party asserting the claim and the party's attorney of record, if any, shall be required to file, contemporaneously with the pleading containing the claim, a written verification under oath as set forth in Code Section 9-10-113. Such written verification shall certify that the party and his or her attorney of record, if any, have read the claim; that to the best of their knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; that the act forming the basis for the claim is not a privileged communication under paragraph (4) of Code Section 51-5-7; and that the claim is not interposed for any improper purpose such as to suppress a person's or entity's right of free speech or right to petition government, or to harass, or to cause unnecessary delay or needless increase in the cost of litigation. If the claim is not verified as required by this subsection, it shall be stricken unless it is verified within ten days after the omission is called to the attention of the party asserting the claim.~~

(c) A person or entity sued in violation of this Code section has a right to an expeditious resolution of a claim that the lawsuit, cause of action, or claim is in violation of this Code section. A person or entity may move the court for an order dismissing the lawsuit, cause of action, or claim. The person or entity may file a motion, together with supplemental affidavits, seeking a determination that the claimant's lawsuit, cause of action, or claim has been brought in violation of this Code section. The claimant shall thereafter file a response and any supplemental affidavits.

(d) If the court determines a lawsuit, cause of action, or claim is ~~verified~~ made in violation of this Code section, the court, ~~upon motion or upon its own initiative~~, shall impose ~~upon the persons who signed the verification, a represented party, or both~~ an appropriate sanction which may include dismissal of the lawsuit, cause of action, or claim and an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee.

~~(e)~~(e) As used in this Code section, 'act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern' includes any written or oral statement, writing, or petition made before or to a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, or any written or oral statement, writing, or petition made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law.

~~(d)~~(f) All discovery and any pending hearings or motions in the action shall be stayed upon the filing of a motion to dismiss or a motion to strike made pursuant to subsection (b) of this Code section. The motion shall be heard not more than 30 days after service unless the emergency matters before the court require a later hearing. The court, on noticed motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding this subsection.

~~(e)~~(g) Nothing in this Code section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, statute, law, or rule.

(h) This Code section shall not apply to any action brought by the Attorney General or a prosecuting attorney, or a city attorney acting as a prosecutor, to enforce laws aimed at public protection.

~~(f)~~(i) Attorney's fees and expenses under this Code section may be requested by motion at any time during the course of the action but not later than 45 days after the final disposition, including but not limited to dismissal by the plaintiff, of the action."

SECTION 2.

Chapter 5 of Title 51 of the Official Code of Georgia Annotated, relating to libel and slander, is amended in Code Section 51-5-7, relating to privileged communications, by revising paragraph (4) as follows:

"(4) Statements made in good faith as part of an act in furtherance of the person's right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern, as defined in subsection ~~(e)~~ (e) of Code Section 9-11-11.1;"

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	N Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	N Smith, L
N Allison	N Cooper	N Hatchett	N Morris	Y Smith, M
N Atwood	N Corbett	N Hawkins	Y Mosby	N Smith, R
Ballinger	Y Dawkins-Haigler	Y Henson	N Nimmer	Y Smyre
N Barr	N Deffenbaugh	N Hightower	N Nix	N Spencer
N Battles	N Dempsey	N Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	N Stephens, R
N Belton	N Dickey	N Holmes	N Parrish	Y Stephenson
Y Bennett, K	N Dickson	N Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	N Petrea	N Strickland
N Benton	Y Drenner	Y Jackson	N Pezold	N Tankersley
N Beskin	N Dudgeon	N Jasperse	N Pirkle	N Tanner
Y Beverly	Y Dukes	N Jones, J	N Powell, A	N Tarvin
Y Blackmon	N Dunahoo	N Jones, J.B.	N Powell, J	Taylor, D
N Broadrick	N Duncan	E Jones, L	N Price	N Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstoration	Y Jordan	N Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	N England	Y Kelley	N Raffensperger	N Trammell
N Burns	N Epps	Y Kendrick	Rakestraw	N Turner
Y Caldwell, J	Y Evans	N Kidd	N Ramsey	Y Waites
N Caldwell, M	Y Fleming	N Kirby	Y Randall	N Watson
Y Cannon	Y Floyd	N Knight	N Reeves	N Welch
N Cantrell	N Fludd	N LaRiccica	N Rhodes	Y Weldon
N Carson	Y Frazier	N Lott	Y Rice	N Werkheiser
Y Carter, A	Y Frye	N Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	N Rogers, T	N Wilkinson
N Casas	Y Gasaway	Y Marin	N Rutledge	N Willard
N Chandler	N Gilligan	N Martin	N Rynders	Williams, A
Cheokas	Y Glanton	N Maxwell	Y Scott	N Williams, C
N Clark, D	N Golick	Y Mayo	N Setzler	E Williams, E
Y Clark, H	Y Gordon	N McCall	Y Sharper	Y Williamson
N Clark, V	Y Gravley	Y McClain	N Shaw	N Yates
Y Coleman	N Greene	N Meadows	N Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 71, nays 98.

The amendment was lost.

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abrams	Y Cooke	Y Harden	Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M

Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	Y Stephens, M
N Beasley-Teague	Y Dickerson	N Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
N Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	N Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	N Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	Y Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	N Thomas, E
N Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	Y Kidd	Y Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
N Cannon	N Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	N Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	Y Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Williams, A
Y Cheokas	Y Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	N Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 131, nays 41.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 402. By Senators Mullis of the 53rd, Burke of the 11th, Harper of the 7th and Watson of the 1st:

A BILL to be entitled an Act to amend Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse treatment and education programs, so as to provide for a moratorium on the issuance of new licenses to narcotic treatment programs; to create the State Commission on Narcotic Treatment Programs; to provide legislative findings and intent; to provide for the membership, powers, duties, compensation, and allowances of the commission; to provide for the abolishment of the commission; to suspend the acceptance of applications and issuing of licenses for narcotic treatment programs for a certain period; to provide for exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 404. By Senators Harper of the 7th, Albers of the 56th, Dugan of the 30th, Jones II of the 22nd, Watson of the 1st and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to revise provisions for the off-duty use of motor vehicles by certain law enforcement officers of the department relative to approved off-duty employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 417. By Senators Mullis of the 53rd, Gooch of the 51st, Beach of the 21st and Ginn of the 47th:

A BILL to be entitled an Act to amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Economic Development, so as to create the "Georgia Film and Television Trail Act"; to provide for a short title; to provide for definitions; to provide for a purpose; to provide for the Department of Economic Development to plan and develop the trail; to provide for policies; to provide for the Department of Transportation to place trail signs designed in conjunction with the Department of Economic Development; to provide for certain immunities; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 3:45 o'clock, this afternoon.

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

- SB 375. By Senators Gooch of the 51st, Albers of the 56th, Williams of the 27th, Parent of the 42nd, Jones of the 10th and others:

A BILL to be entitled an Act to amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation of municipal corporations, so as to provide certain requirements and standards for the incorporation of new municipal corporations; to require a financial viability, fiscal impact, and service delivery study; to prohibit the creation of unincorporated islands; to provide for special districts to amortize obligations; to require referendum approval; to repeal conflicting laws; and for other purposes.

- SB 416. By Senators Cowser of the 46th, Harbison of the 15th, Harper of the 7th, Thompson of the 14th and Dugan of the 30th:

A BILL to be entitled an Act to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to establish the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation; to provide for a fusion center for the sharing and analysis of homeland security activity information; to provide for definitions; to provide for operations and responsibilities; to provide for membership; to amend Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to Georgia Emergency Management Agency created, director, staff, offices, director's duties, and disaster coordinator, so as to expand the duties of the director of emergency management; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate:

- SB 310. By Senators Ligon, Jr. of the 3rd, Martin of the 9th, Hill of the 6th, Shafer of the 48th, Albers of the 56th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions relative to education, so as to prohibit the implementation of certain grants affecting education policy regarding pre-kindergarten through grade 12 education until a written analysis is provided and the grant terms are ratified by the General

Assembly; to provide for a definition; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 604. By Senators Heath of the 31st, Hill of the 32nd, Crane of the 28th, Harbin of the 16th, Millar of the 40th and others:

A RESOLUTION proposing an amendment to the Constitution so as to prohibit the levy of state ad valorem taxes; to provide for applicability; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 734. By Representatives Spencer of the 180th, Stephens of the 165th, Stephens of the 164th, Jones of the 167th, Corbett of the 174th and others:

A BILL to be entitled an Act to amend Titles 36, 41, and 51 of the Official Code of Georgia Annotated, relating to local government, nuisances, and torts, respectively, so as to provide for the facilitation of space flight activities in this state; to provide for definitions; to prohibit local government regulation of noise associated with space flight operations; to provide that space flight operations shall not constitute nuisances under certain conditions; to limit the liability of space flight entities related to injuries sustained by participants who have agreed in writing to such a limitation; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to provide for the facilitation of space flight activities in this state; to provide for definitions; to provide for exceptions; to limit the liability of space flight entities related to injuries sustained by participants who have agreed in writing to such a limitation after being provided with certain warnings; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Space Flight Act."

SECTION 2.

Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by adding a new article to Chapter 3, relating to liability of landowners and occupiers of land, to read as follows:

"ARTICLE 4

51-3-41.

(a) As used in this article, the term:

(1) 'Crew member' means any employee of a space flight entity or any contractor or subcontractor of a space flight entity who performs activities directly relating to the launch, reentry, or other operation of or in a spacecraft, launch vehicle, or reentry vehicle.

(2) 'Launch' means a placement or attempted placement of a launch vehicle, reentry vehicle, or spacecraft in a suborbital trajectory, in earth orbit, or in outer space, including activities involved in the preparation of a launch vehicle, reentry vehicle, or spacecraft for launch.

(3) 'Launch vehicle' means any vehicle and its stages or components designed to operate or place a spacecraft in a suborbital trajectory, in earth orbit, or in outer space.

(4) 'Local government' means a county, municipal corporation, or consolidated government of the State of Georgia.

(5) 'Local governmental unit' means a local government and any office, agency, department, commission, board, body, division, instrumentality, or institution thereof.

(6) 'Person' means an individual, proprietorship, corporation, firm, partnership, association, or other such entity.

(7) 'Reentry' means a return or attempt to return of a launch vehicle, reentry vehicle, or spacecraft from a suborbital trajectory, from earth orbit, or from outer space to earth, including activities involved in the recovery of a launch vehicle, reentry vehicle, or spacecraft.

(8) 'Reentry vehicle' means any vehicle, including its stages or components, spacecraft, or reusable launch vehicle designed to return from earth orbit or outer space to earth substantially intact.

(9) 'Spacecraft' means any object and its components designed to be launched for operations in a suborbital trajectory, in earth orbit, or in outer space, including, but not limited to, a satellite, a payload, an object carrying a crew member or space flight participant, and any subcomponents of the launch vehicle or reentry vehicle specifically designed or adapted for that object.

(10) 'Space flight activities' means activities and training in any phase of preparing for or undertaking space flight, including, but not limited to, the:

(A) Preparation of a launch vehicle, reentry vehicle, payload, spacecraft, crew member, or space flight participant for launch, space flight, or reentry;

(B) Conduct of the launch;

(C) Conduct occurring between the launch and reentry;

(D) Conduct of reentry and descent;

(E) Conduct of the landing;

(F) Conduct of post landing recovery of a launch vehicle, reentry vehicle, payload, spacecraft, crew member, or space flight participant; and

(G) Conduct of embarking or disembarking of a launch vehicle, reentry vehicle, payload, spacecraft, crew member, or space flight participant.

(11) 'Space flight entity' means:

(A) A person which conducts space flight activities and which, to the extent required by federal law, has obtained the appropriate Federal Aviation Administration license or other authorization, including any safety approval and a payload determination that may be required under federal law or the laws of the State of Georgia.

(B) A manufacturer or supplier of components, services, spacecraft, launch vehicles, or reentry vehicles used in space flight activities;

(C) An employee, officer, director, owner, stockholder, member, manager, advisor, or partner of the entity, manufacturer, or supplier;

(D) An owner or lessor of real property on which space flight activities are conducted;

(E) A state agency or local governmental unit with a contractual relationship with any person described in subparagraphs (A) through (D) of this paragraph; or

(F) A state agency or local governmental unit having jurisdiction in the territory in which space flight activities are conducted.

(12) 'Space flight participant' means an individual who:

(A) Is not a crew member; and

(B)(i) Is carried aboard a spacecraft, launch vehicle, or reentry vehicle; or

(ii) Has indicated a desire to be carried aboard a spacecraft, launch vehicle, or reentry vehicle as demonstrated by paying any deposit or fee required, if any, to be carried aboard a spacecraft, launch vehicle, or reentry vehicle or by participating in any training program or orientation session that may be required by a space flight entity.

(13) 'Space flight participant injury' means an injury sustained by a space flight participant, including bodily injury, emotional distress, death, disability, or any other loss.

(14) 'State agency' means any department, agency, commission, or other institution of the executive branch of the government of the State of Georgia.

(15) 'This state' means the State of Georgia, all land and water over which it has either exclusive or concurrent jurisdiction, and the airspace above such land and water.

51-3-42.

(a) Except as provided in subsection (b) of this Code section, a space flight entity shall not be civilly liable to or criminally responsible for any person for a space flight participant injury arising out of inherent risks associated with any space flight activities occurring in or originating from this state if the space flight participant has:

- (1) Signed the warning and written agreement required by Code Section 51-3-43; and
- (2) Given written informed consent as may be required by 51 U.S.C. Section 50905 or other federal law.

(b) Nothing in this Code section shall:

(1) Limit liability for a space flight participant injury:

(A) Proximately caused by the space flight entity's gross negligence for the safety of the space flight participant; or

(B) Intentionally caused by the space flight entity;

(2) Limit the liability of any space flight entity against any person other than a space flight participant who meets the requirements of paragraphs (1) and (2) of subsection (a) of this Code section;

(3) Limit liability for the breach of a contract for use of real property by a space flight entity; or

(4) Preclude an action by the federal government, the State of Georgia, or any state agency to enforce a valid statute or rule or regulation.

(c) The limitations on legal liability afforded to a space flight entity by the provisions of this article shall be in addition to any other limitations of legal liability provided by federal law or the laws of this state.

51-3-43.

(a) A space flight participant shall sign a warning and written agreement before participating in any space flight activity. Such written agreement shall include the following language:

WARNING AND AGREEMENT

UNDER GEORGIA LAW THERE IS NO LIABILITY FOR INJURY, DEATH, OR OTHER LOSS RESULTING FROM ANY INHERENT RISKS OF SPACE FLIGHT ACTIVITIES. SUCH INHERENT RISKS OF SPACE FLIGHT ACTIVITIES INCLUDE, WITHOUT LIMITATION, THE POTENTIAL FOR SERIOUS BODILY INJURY, SICKNESS, PERMANENT DISABILITY, PARALYSIS, AND LOSS OF LIFE; EXPOSURE TO EXTREME CONDITIONS AND CIRCUMSTANCES; ACCIDENTS, CONTACT, OR COLLISION WITH OTHER SPACE FLIGHT PARTICIPANTS, SPACE FLIGHT VEHICLES, AND EQUIPMENT; AND

DANGERS ARISING FROM ADVERSE WEATHER CONDITIONS AND EQUIPMENT FAILURE.

I UNDERSTAND AND ACKNOWLEDGE THAT BY SIGNING THIS WARNING AND AGREEMENT, I HAVE EXPRESSLY ACCEPTED AND ASSUMED ALL RISKS AND RESPONSIBILITIES FOR INJURY, DEATH, AND OTHER LOSS THAT MAY RESULT FROM THE INHERENT RISKS ASSOCIATED WITH PARTICIPATION IN ANY SPACE FLIGHT ACTIVITIES. I FURTHER UNDERSTAND AND AGREE THAT BY SIGNING THIS WARNING AND AGREEMENT, I HAVE EXPRESSLY WAIVED ALL CLAIMS OF MY HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, AND ASSIGNEES FOR ANY INJURY, DEATH, AND OTHER LOSS THAT MAY RESULT FROM MY PARTICIPATION IN ANY SPACE FLIGHT ACTIVITIES DUE TO THE INHERENT RISKS ASSOCIATED WITH PARTICIPATION IN SPACE FLIGHT ACTIVITIES.

FURTHER WARNING: DO NOT SIGN UNLESS YOU HAVE READ AND UNDERSTOOD THIS WARNING AND AGREEMENT.

(b) The warning and written agreement under subsection (a) of this Code section shall be considered effective and enforceable if it is:

(1) In writing;

(2) In a document separate from any other agreement between the space flight participant and the space flight entity other than a warning, consent, or assumption of risk statement required under federal law or under applicable laws of another state;

(3) Printed in capital letters in not less than 10-point bold type;

(4) Signed by the space flight participant on behalf of the space flight participant and any heirs, executors, administrators, successors, and assignees of the space flight participant;

(5) Signed by a competent witness; and

(6) Provided to the space flight participant at least 24 hours prior to such space flight participant's participation in any space flight activity.

(c) A warning and written agreement executed pursuant to this Code section shall not limit liability for a space flight participant injury:

(1) Proximately caused by the space flight entity's gross negligence evidencing willful or wanton disregard for the safety of the space flight participant; or

(2) Intentionally caused by a space flight entity.

(d) A warning and written agreement executed in compliance with this Code section shall not be deemed unconscionable or against public policy.

51-3-44.

Any litigation, action, suit, or other arbitral, administrative, or judicial proceeding at law or equity against a space flight entity pertaining to space flight activities shall be governed by the laws of the State of Georgia."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	Y Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
N Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
N Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
N Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	N Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 8.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 779. By Representatives Tanner of the 9th, Lumsden of the 12th, Watson of the 172nd, Prince of the 127th and Broadrick of the 4th:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to regulate the use of unmanned aircraft systems and images captured by such systems; to provide for definitions; to provide for exceptions; to provide for penalties and a civil right of action; to provide for venue; to amend Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to activity prohibited in the taking of wildlife, so as to regulate the use of unmanned aircraft systems in connection to hunting and fishing; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 6, Title 16, and Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to regulation of aeronautics, aircraft, and airports generally, crimes and offenses, and activity prohibited in the taking of wildlife, respectively, so as to regulate the use of unmanned aircraft systems and the gathering of evidence or information by such systems; to change provisions relating to lawful flights over lands and waters of the state; to provide for definitions; to provide for exceptions; to provide for punishments and penalties and a civil right of action; to provide for venue; to provide for preemption; to regulate the use of unmanned aircraft systems in connection to hunting and fishing; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of aeronautics, aircraft, and airports generally, is amended by revising Code Section 6-2-5, relating to lawful flight over lands and waters of the state, as follows:

"6-2-5.

Flight in aircraft or by an unmanned aircraft system, as such term is defined in Code Section 16-11-210, over the lands and waters shall be lawful unless such flight is at such a low altitude as to interfere with the then existing reasonable use to which the land or water or space over the land or water is put by the owner of the land or water or unless ~~so~~ such flight is conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath."

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by adding a new article to Chapter 11, relating to offenses against public order and safety, to read as follows:

"ARTICLE 6**16-11-210.**

As used in this article, the term:

(1)(A) 'Unmanned aircraft system' means a powered, aerial vehicle that:

- (i) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;
- (ii) Uses aerodynamic forces to provide vehicle lift;
- (iii) Can fly autonomously or be piloted remotely; and
- (iv) Can be expendable or recoverable.

(B) Such term shall not include a satellite.

(2) 'Weapon' means an object, device, or instrument which when used against a person is likely to, or actually does, result in serious bodily injury or death, including, but not limited to, a destructive device as defined in Code Section 16-7-80 or a dangerous weapon as defined in Code Section 16-11-121.

16-11-211.

Except for United States military operations or federal governmental contracts involving research using weaponized unmanned aircraft systems, it shall be unlawful to sell, transport, manufacture, possess, or operate an unmanned aircraft system that is equipped with a weapon. Any person that violates this Code section shall be guilty of a felony and upon conviction shall be punished by imprisonment for not less than one nor more than three years or by a fine not to exceed \$100,000.00, or both.

16-11-212.

(a) Except as provided in subsection (b) of this Code section, no law enforcement agency shall use an unmanned aircraft system to gather evidence or other information in a private place or of an individual in a private place.

(b) This Code section shall not prohibit the use of an unmanned aircraft system:

- (1) If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of an unmanned aircraft system;
- (2) If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life;
- (3) To provide continuous aerial coverage when law enforcement is conducting an active search for a fugitive or escapee or is monitoring a hostage situation; or
- (4) To provide aerial coverage when deployed for the purpose of conducting an active search for a missing person.

(c) An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief, as determined by the court, in order to prevent or remedy a violation of this Code section.

(d) No data collected on a person, home, or areas other than the target that justified deployment of an unmanned aircraft system may be used, copied, or disclosed for any purpose. Notwithstanding Article 4 of Chapter 18 of Title 50 or any state or local retention policy, such data shall be deleted as soon as possible, and in no event later than five days after collection. Any data retained in violation of this subsection shall be subject to Article 4 of Chapter 18 of Title 50.

(e)(1) The use of an unmanned aircraft system to gather evidence or information for a possible criminal prosecution shall constitute a search. Any law enforcement agency that uses an unmanned aircraft system, or other substantially similar device to gather evidence or obtain information, shall comply in all respects with the Fourth Amendment to the Constitution of the United States and the Constitution of Georgia.

(2) Absent exigent circumstances or another authorized exception to the search warrant requirement, evidence obtained or collected in violation of this Code section shall not be admissible as evidence in a criminal prosecution in any court of law in this state.

16-11-213.

(a) Unless authorized by the owner or lawful occupier of real property or a facility, or the owner of an easement, it shall be unlawful to launch an unmanned aircraft system from private property; provided, however, that this subsection shall not apply to the delivery or retrieval of packages by commercial operators.

(b) It shall be unlawful to fly an unmanned aircraft system in such a manner so as to interfere with or cause a hazard to a train, aircraft, or motor vehicle.

(c) It shall be unlawful to use an unmanned aircraft system for the purpose of harassing, threatening, or intimidating another person.

(d) Any person convicted of a violation of this Code section shall be guilty of a misdemeanor.

16-11-214.

(a) Any ordinance, resolution, regulation, or policy of any county, municipality, or other political subdivision of this state which is in conflict with this article shall be null, void, and of no force and effect, and this article shall preempt any such ordinance, resolution, regulation, or policy; provided, however, that a county, municipality, or other political subdivision of this state may provide for or prohibit the takeoff, recovery, or use of an unmanned aircraft system from or on its public property, or enforce Federal Aviation Administration restrictions on the use of airspace.

(b) The state, through agency or departmental rules and regulations, may provide for or prohibit the takeoff, recovery, or use of an unmanned aircraft system from or on its public property."

SECTION 3.

Said title is further amended by adding a new Code section to read as follows:

"16-10-24.5.

(a) As used in this Code section, the term:

(1) 'Emergency medical professional' shall have the same meaning as set forth in Code Section 16-10-24.2.

(2) 'Emergency medical technician' shall have the same meaning as set forth in Code Section 16-10-24.2.

(3) 'Firefighter' shall have the same meaning as set forth in Code Section 16-10-24.1.

(4) 'Park ranger' shall have the same meaning as set forth in Code Section 16-10-24.4.

(5) 'Unmanned aircraft system' shall have the same meaning as set forth in Code Section 16-11-210.

(b) A person that knowingly and willfully obstructs or hinders any law enforcement officer, firefighter, or park ranger in the lawful discharge of his or her official duties by the use of an unmanned aircraft system, or that knowingly and willfully obstructs or hinders any emergency medical technician, emergency medical professional, or properly identified person working under the direction of an emergency medical professional in the lawful discharge of the official duties of such emergency medical technician, emergency medical professional, or properly identified person working under the direction of an emergency medical professional, by the use of an unmanned aircraft system, shall be guilty of a misdemeanor."

SECTION 4.

Said title is further amended by revising Code Section 16-11-69, relating to penalties for violation of laws relating to wiretapping, eavesdropping, and surveillance, as follows:

"16-11-69.

Except as otherwise provided in subsection ~~(d)~~ (e) of Code Section 16-11-66.1 or Article 6 of this chapter, any person violating any of the provisions of this part shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years or a fine not to exceed \$10,000.00, or both."

SECTION 5.

Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to activity prohibited in the taking of wildlife, is amended by revising subsection (a) as follows:

"(a) It shall be unlawful for any person to:

(1) Interfere with the lawful taking of wildlife by another person by intentionally preventing or attempting to prevent such person from such lawful taking of wildlife or using an unmanned aircraft system, as such term is defined in Code Section 16-11-210, to interfere with or prevent such person from such lawful taking of wildlife;

(2) Disturb or engage in activity tending to disturb wildlife for the purpose of intentionally preventing or attempting to prevent the lawful taking of such wildlife; ~~or~~

(3) Use an unmanned aircraft system, as such term is defined in Code Section 16-11-210, to assist in the taking of wildlife; or

~~(3)(4)~~ Fail to obey an order of a law enforcement officer to desist from conduct violating ~~paragraph (1) or (2)~~ paragraphs (1) through (3) of this subsection if the law enforcement officer observes such conduct or if the law enforcement officer has reasonable grounds for believing that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day at a specific location."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Dollar	Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 171, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

By unanimous consent, the following Bill and Resolution of the House, having been previously postponed, were again postponed until the next legislative day:

HB 677. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd, Evans of the 42nd and Marin of the 96th:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government; to amend Title 13 of the O.C.G.A., relating to contracts; to amend Title 16 of the O.C.G.A., relating to crimes and offenses; to provide for related matters; to provide for a contingent effective date and repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HR 807. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd, Evans of the 42nd, Kidd of the 145th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the local authorization of a limited number of licensed casino resorts within the state; to authorize the operation and regulation of limited casino gaming within the state; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House was taken up for consideration and read the third time:

HB 1060. By Representatives Jasperse of the 11th, Meadows of the 5th, Powell of the 32nd, Ballinger of the 23rd, Hightower of the 68th and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the O.C.G.A., relating to carrying and possession of firearms; to amend Article 3 of Chapter 5 of Title 17 of the O.C.G.A., relating to disposition of property seized; to amend Code Section 35-3-34 of the O.C.G.A., relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System; to amend Chapter 1 of Title 51 of the O.C.G.A., relating to general provisions

regarding torts; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to confirm that the right of the people to keep and bear arms shall not be infringed; to provide for legislative findings; to permit certain new residents to carry a weapon in this state for a limited time without a weapons carry license; to provide for definitions; to clarify the meaning of private property relative to the carrying of a weapon or long gun; to provide an exception for a license holder carrying in a place of worship; to revise provisions relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school; to allow the judge of the probate court to provide for printed information on gun safety; to provide for the maintenance of gun safety information on the website of the Department of Natural Resources; to revise and clarify the determinations to be made and the procedures to be followed by law enforcement agencies and the judge of the probate court in the issuance of a weapons carry license; to provide for replacement weapons carry licenses for persons who have a legal name change or address change; to clarify that certain active and retired law enforcement officers shall be authorized to carry a handgun on or off duty anywhere within this state; to authorize certain retired law enforcement officers to carry a handgun anywhere within this state; to clarify the meaning of commercial service airport relative to the carrying of a weapon or long gun; to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, so as to allow for the preservation of a person's involuntary hospitalization information received by the Georgia Crime Information Center; to provide for exceptions; to provide for a judicial procedure for purging a person's involuntary hospitalization information received by the Georgia Crime Information Center and restoration of abilities to legally carry and possess a firearm; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, so as to provide for civil immunity of firearm instructors; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended by adding a new Code section to read as follows:

"16-11-125.2.

(a) Pursuant to Article I, Section I, Paragraph VIII of the Constitution of this state, the General Assembly finds that the right of the people to keep and bear arms shall not be infringed.

(b) No law shall be enacted or enforced in violation of the finding provided for in subsection (a) of this Code section."

SECTION 2.

Said part is further amended by revising subsections (e) and (f) of Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, license requirement, exceptions for homes, motor vehicles, private property, and other locations and conditions, as follows:

"(e)(1) Any person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state; provided, however, that such licensee shall carry the weapon in compliance with the laws of this state.

(2) Any person who is not a weapons carry license holder in this state and who is licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state for 90 days after he or she becomes a resident of this state; provided, however, that such person shall carry the weapon in compliance with the laws of this state, shall as soon as practicable submit a weapons carry license application as provided for under Code Section 16-11-129, and shall remain licensed in such other state for the duration of time that he or she is a resident of this state but not a weapons carry license holder in this state.

(f)(1) Any person with a valid hunting or fishing license on his or her person, or any person not required by law to have a hunting or fishing license, who is engaged in legal hunting, fishing, or sport shooting when the person has the permission of the owner of the land on which the activities are being conducted may have or carry on his or her person a ~~handgun~~ weapon or long gun without a valid weapons carry license while hunting, fishing, or engaging in sport shooting.

(2) Any person with a valid hunting or fishing license on his or her person, or any person not required by law to have a hunting or fishing license, who is otherwise engaged in legal hunting, fishing, or sport shooting on recreational or wildlife management areas owned by this state may have or carry on his or her person a knife without a valid weapons carry license while engaging in such hunting, fishing, or sport shooting."

SECTION 3.

Said part is further amended by adding two new paragraphs to subsection (a), by revising subsection (c), and by revising paragraph (2) of subsection (e) of Code Section 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

"(3.1) 'Leased government property' means real property that is owned by a government entity but of which an individual or entity which is not a government entity is the lessee, licensee, or renter."

"(5) 'Private property' means real property that is not owned or controlled by any government entity; provided, however, that such term shall not mean leased government property."

"(c) A license holder or person recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every location in this state not listed in subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that ~~private property owners~~ the owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to exclude or eject a person who is in possession of a weapon or long gun on ~~their~~ such private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in subsection (e) of this Code section and Code Section 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise to a civil action for damages."

"(2) Any license holder who violates subsection (b) of this Code section in a place of worship shall not be arrested but shall be fined not more than \$100.00; provided, however, that a license holder shall not be in violation of subsection (b) or (c) of this Code section if such license holder immediately leaves such place of worship while carrying a weapon or long gun upon personal notification by such place of worship that he or she is carrying a weapon or long gun in a place of worship which does not permit the carrying of a weapon or long gun. Any person who is not a license holder who violates subsection (b) of this Code section in a place of worship shall be punished as for a misdemeanor."

SECTION 4.

Said part is further amended by revising paragraph (5) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, as follows:

"(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

- (A) A peace officer as defined by Code Section 35-8-2;
- (B) A law enforcement officer of the United States government;
- (C) A prosecuting attorney of this state or of the United States;
- (D) An employee of the Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is

authorized by the head of such department or correctional agency or facility to carry a firearm;

(E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;

(F) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

(G) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;

provided, however, that this Code section shall not apply to any extent to persons who are provided for under Code Section 16-11-130;"

SECTION 5.

Said part is further amended by adding a new subsection to, by revising paragraph (4) of subsection (d) and paragraph (2) of subsection (e) of, and by adding a new paragraph to subsection (e) of Code Section 16-11-129, relating to weapons carry permit, temporary renewal permit, and terms, to read as follows:

"(a.1)(1) Upon receipt of an application for a weapons carry license or renewal license, the judge of the probate court may provide applicants printed information on gun safety that is produced by any person or organization that, in the discretion of the judge of the probate court, offers practical advice for gun safety. The source of such printed information shall be prominently displayed on such printed information.

(2) The Department of Natural Resources shall maintain on its principal, public website information, or a hyperlink to information, which provides resources for information on hunter education and classes and courses in this state that render instruction in gun safety. No person shall be required to take such classes or courses for purposes of this Code section where such information shall be provided solely for the convenience of the citizens of this state.

(3) Neither the judge of the probate court nor the Department of Natural Resources shall be liable to any person for personal injuries or damage to property arising from conformance to this Code section."

"(4) The law enforcement agency shall report to the judge of the probate court within 30 ten days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any weapon unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code

section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court. The judge of the probate court shall not suspend the processing of the application or extend, delay, or avoid any time requirements provided for under this paragraph."

"(2) If a person is convicted of any crime or ~~involved in any matter~~ otherwise adjudicated in a matter which would make the maintenance of a weapons carry license by such person unlawful pursuant to subsection (b) of this Code section, the judge of the superior court or state court hearing such case or presiding over such matter shall inquire whether such person is the holder of a weapons carry license. If such person is the holder of a weapons carry license, then the judge of the superior court or state court shall inquire of such person the county of the probate court which issued such weapons carry license, or if such person has ever had his or her weapons carry license renewed, then of the county of the probate court which most recently issued such person a renewal license. The judge of the superior court or state court shall notify the judge of the probate court of such county of the matter which makes the maintenance of a weapons carry license by such person to be unlawful pursuant to subsection (b) of this Code section. The Council of Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall provide by rule for the procedures which judges of the superior court and the judges of the state courts, respectively, are to follow for the purposes of this paragraph."

"(4) Any person, upon petition to the judge of the probate court, who has a weapons carry license or renewal license with more than 90 days remaining before the expiration of such weapons carry license or renewal license and who has had a legal name change, including, but not limited to, on account of marriage or divorce, or an address change shall be issued a replacement weapons carry license for the same time period of the weapons carry license or renewal license being replaced. Upon issuance and receipt of such replacement weapons carry license, the license holder shall surrender the weapons carry license being replaced to the judge of the probate court and such judge shall take custody of and destroy the weapons carry license being replaced. The judge of the probate court shall provide for the updating of any records as necessary to account for the license holder's change of name or address. The judge of the probate court shall charge the fee specified in paragraph (13) of subsection (k) of Code Section 15-9-60 for services provided under this paragraph."

SECTION 6.

Said part is further amended in Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, by revising the introductory language of subsection (a), subsections (b) and (c), and by adding a new subsection to read as follows:

"(a) Except to the extent provided for in subsection (c.1) of this Code section, Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any of the

following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:"

"(b) Except to the extent provided for in subsection (c.1) of this Code section, Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Community Supervision were community supervision officers, when specifically designated and authorized in writing by the commissioner of community supervision.

(c) Except to the extent provided for in subsection (c.1) of this Code section, Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

(1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement system established under the laws of this state for service as a law enforcement officer;

(2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation, ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of Investigation if such retired member or agent is receiving benefits under the Employees' Retirement System;

(3) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and Training Council; or retired law enforcement chief executive ~~that~~ who formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive ~~that~~ who was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired law enforcement chief executive is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer ~~that~~ who was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired employee police officer is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or

(5) Person who is a citizen of this state and:

(A) Has retired with at least ten years of aggregate service as a law enforcement officer with powers of arrest under the laws of any state of the United States or of the United States;

(B) Separated from service in good standing, as determined by criteria established by the Georgia Peace Officer Standards and Training Council, from employment with his or her most recent law enforcement agency; and

(C) Possesses on his or her person an identification card for retired law enforcement officers as issued by the Georgia Peace Officer Standards and Training Council; provided, however, that such person meets the standards for the issuance of such card as provided for by the council, including, but not limited to, maintenance of qualification in firearms training.

In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation, active or retired law enforcement chief executive, person who is a retired law enforcement officer as provided for in paragraph (5) of this subsection, or other law enforcement officer referred to in this subsection shall be authorized to carry a handgun on or off duty anywhere within ~~the~~ this state, including, but not limited to, in a courthouse except to the extent provided for in subsection (c.1) of this Code section, and the provisions of Code Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

(c.1)(1) Pursuant to a comprehensive plan for the security of the county courthouse and any courthouse annex as provided for in subsection (a) of Code Section 15-16-10, the sheriff with jurisdiction over such county courthouse or courthouse annex may provide for facilities or the means for the holding of weapons carried by persons enumerated under this Code section; provided, however, that ingress to such courthouse or courthouse annex is actively restricted or screened by the sheriff or his or her deputy sheriffs, and such facilities or means are beyond and inside of the area which is restricted or screened by the sheriff or his or her deputy sheriffs.

(2) If the requirements of paragraph (1) of this subsection are met, the persons enumerated under this Code section shall, upon request of the sheriff, place their weapons in such holding with the sheriff pursuant to the comprehensive plan while such persons are within the restricted or screened area. Upon request of any person enumerated under this Code section, in preparation for his or her exit from the restricted or screened area, the sheriff shall immediately return the person's weapons which are in holding.

(3) As used in this subsection, the term 'weapon' shall have the same meaning as provided for in Code Section 16-11-125.1; provided, however, that such term shall additionally mean any firearm."

SECTION 7.

Said part is further amended by adding a new subsection to Code Section 16-11-130.2, relating to carrying a weapon or long gun at a commercial service airport, to read as follows:

"(a.1) As used in this Code section, the term:

(1) 'Commercial service airport' means an airport that receives scheduled passenger aircraft service from any major airline carrier.

(2) 'Major airline carrier' means an airline that has more than \$1 billion in annual operating revenue during a fiscal year.'"

SECTION 8.

Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, is amended by revising paragraph (2) of subsection (e) as follows:

"(2)(A) The records of the Georgia Crime Information Center shall include information as to whether a person has been involuntarily hospitalized. Notwithstanding any other provisions of law and in order to carry out the provisions of this Code section and Code Section 16-11-172, the Georgia Crime Information Center shall be provided such information and no other mental health information from the involuntary hospitalization records of the probate courts concerning persons involuntarily hospitalized after March 22, 1995, in a manner agreed upon by the Probate Judges Training Council and the Georgia Bureau of Investigation to preserve the confidentiality of patients' rights in all other respects. Further, notwithstanding any other provisions of law and in order to carry out the provisions of this Code section and Code Section 16-11-172, the center shall be provided information as to whether a person has been adjudicated mentally incompetent to stand trial or not guilty by reason of insanity at the time of the crime, has been involuntarily hospitalized, or both from the records of the clerks of the superior courts concerning persons involuntarily hospitalized after March 22, 1995, in a manner agreed upon by The Council of Superior Court Clerks of Georgia and the Georgia Bureau of Investigation to preserve the confidentiality of patients' rights in all other respects.

(B)(i) After five years have elapsed from the date that a person's of a person's discharge from involuntary hospitalization information has been received by the Georgia Crime Information Center, the center shall purge its records of such information as soon as practicable and in any event purge such records within 30 days after the expiration of such five year period, such person may petition the superior court in the county of his or her residence for relief from all legal disabilities preventing the possession or carrying of a firearm acquired as a result of such involuntary hospitalization; provided, however, that if such person is a

nonresident, he or she shall petition the superior court in the county in which any proceedings for the involuntary hospitalization occurred.

(ii) The petitioner shall serve a copy of the petition for relief as notice upon any facility that received or detained the petitioner, any physician that certified the petitioner's need for involuntary hospitalization, the probate court that issued the involuntary commitment order, and any person that filed an application for a court ordered evaluation of the petitioner as provided for under Article 3 of Chapter 7 of Title 37. The petitioner shall serve a copy of such petition for relief upon the district attorney of the circuit of the petitioner's residence. Proof of service shall be by affidavit filed with such petition for relief reciting that a copy of such petition for relief has been served as required by this division and reciting service by registered or certified mail or statutory overnight delivery. In preparing his or her response to the petition, the district attorney may give notice of the received petition to any other party in the underlying case that resulted in the petitioner's involuntary hospitalization who the district attorney believes, based on evidence obtained by the district attorney, would have an interest in such petition; provided, however, that the district attorney shall serve upon the petitioner, by first class mail, notice of the names and addresses of such persons noticed by the district attorney. If any physician or person upon whom the petitioner is otherwise required to serve notice is deceased or not able to be located, or if such facility upon which the petitioner is otherwise required to serve notice has ceased operations, the petitioner shall instead recite such circumstances in his or her petition for relief and include any last known address or other contact information of such physician, person, or facility or former owner or operator of such facility.

(iii) Within 60 days of the receipt of the petition for relief, the court shall hold a hearing on such petition for relief. The district attorney shall represent the interests of the state at such hearing.

(iv) The petition for relief shall be accompanied by a waiver executed by the petitioner authorizing any mental hospital or treatment center, and their employees and agents, to respond to inquiries of the district attorney regarding the petitioner's treatment and any recommendations regarding whether the petitioner is a threat to the safety of himself or herself or public safety. Information received by the district attorney pursuant to this subparagraph shall not be used against the petitioner in any other case or context unless such information is useable in such other case or context by other rules of evidence or discovery.

(C) At the hearing provided for under subparagraph (B) of this paragraph, the court shall receive and consider evidence in a proceeding concerning:

(i) The circumstances which caused the person to be subject to hospitalization or adjudication;

(ii) The person's mental health and any criminal history records;

(iii) The person's reputation, which shall be established through character witness statements, testimony, or other character evidence; and

(iv) Changes in the person's condition or circumstances since such hospitalization.

(D) Except as provided for under this paragraph, the hearing of the petition for relief shall follow the rules and regulations relating to pleading, practice, and procedure regarding civil petitions made to the superior court.

(E) The judge shall issue an order of his or her decision on the petition for relief provided for under subparagraph (B) of this paragraph no later than 30 days after the hearing.

(F) The court shall grant the petition for relief if such court finds by a preponderance of the evidence that the person will not likely act in a manner dangerous to himself or herself or public safety and that granting the relief will not be contrary to the public interest. A record shall be kept of the hearing; provided, however, that such record shall remain confidential and be disclosed only to a court, the petitioning party, and the district attorney for the state, or their successors, who appeared in the underlying case in the event of an appeal. Any appeal of the court's ruling on the petition for relief shall be de novo review.

(G) If the court grants the person's petition for relief, the clerk of the superior court shall report such order to the Georgia Crime Information Center immediately, but in no case later than ten business days after the date of such order, and the center shall purge such record that is the subject of the order as soon as practicable but not later than 30 days after receipt of such order, and all legal disabilities preventing the petitioner from possessing or carrying a firearm acquired as a result of such involuntary hospitalization shall be extinguished.

(H) A person may petition for relief under this paragraph not more than once every two years."

SECTION 9.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by adding a new Code section to read as follows:

"51-1-55.

(a) As used in this Code section, the term:

(1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section 16-11-121.

(2) 'Firearm' means any handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge and which is not a dangerous weapon.

(b) Any instructor who lawfully instructs, educates, or trains a person in the safe, proper, or technical use of a firearm shall be immune from civil liability for any injuries caused by the failure of such person to use such firearm properly or lawfully."

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abrams	Y Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	N Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	Y Kidd	Y Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
N Cannon	N Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	N Williams, A
Y Cheokas	Y Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	N Mayo	Y Setzler	E Williams, E
Y Clark, H	N Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 120, nays 52.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following report of the Committee on Rules was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR

MONDAY, FEBRUARY 29, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 30th Legislative Day as enumerated below:

DEBATE CALENDAR

Modified Open Rule

- HB 54 Tuition grants; children of officers killed in line of duty who attend University System institutions and meet certain requirements; provide (Substitute)(HEd-Waites-60th)
- HB 542 Higher education savings plan; matching contributions by the state for certain low-income contributors; provide (HEd-Wilkerson-38th)
- HB 957 Probate courts; judges and clerks publicly post notice of the availability of the affidavit of indigence; require (Substitute)(Judy-Abrams-89th)
- HB 1025 Courts; service of accusations of or citations for violations of ordinances under certain circumstances; change provisions (Substitute) (Judy-Taylor-79th)
- HB 1037 Community Health, Department of; certified nurse aide registry to nurse aides who provide services in private residences; expand (H&HS-Clark-101st)

Modified Structured Rule

- HB 229 Domestic relations; grandparent rights to visitation and intervention to great-grandparents and siblings of parents; expand (Substitute) (JuvJ-Strickland-111th)(AM 29 2516)
- HB 365 Alternative ad valorem tax; motor vehicles; change certain provisions (Substitute)(W&M-Knight-130th)
- HB 381 Revised Georgia Law on Notarial Acts of 2015; enact (Substitute) (Judy-Welch-110th)(AM 29 2510)(AM 29 2508)
- HB 605 Georgia Judicial Retirement System; member who was serving in a full-time position on his or her retirement may use prior part-time service for vesting; provide (Substitute)(Ret-Weldon-3rd)
- HB 699 Local government; define a certain term; provisions (Substitute) (GAff-Welch-110th)(AM 28 1498)
- HB 725 "Child Abuse Records Protection Act"; enact (Substitute) (JuvJ-Cantrell-22nd)
- HB 895 Elementary and secondary education; finance directors of charter schools participate in initial and annual training; require (Substitute) (Ed-Mayo-84th)
- HB 943 Contracts; additional limitations on indemnification and duty to defeat clauses which are void and enforceable in contracts for engineering or architectural services; provide (Ins-Rogers-29th)(AM 29 2512)

- HB 1004 Courts; maps, plats, and plans to be filed for record; provide requirements (Substitute)(Judy-Jasperse-11th)
- HB 1036 Eminent domain; construction of petroleum pipelines and the environmental permitting requirements; change certain provisions (Substitute)(EU&T-Hitchens-161st)
- HB 1043 Vaccine protocol agreements; influenza; exempt activities conducted by a hospital or health system from certain requirements (Substitute) (H&HS-Kelley-16th)
- HB 1053 Grady County; board of education; provide that members shall be elected on a nonpartisan basis (IGC-Taylor-173rd)
- HB 1058 Health; HIV and AIDS; revise various statutes (Substitute) (H&HS-Price-48th)

Structured Rule

- HB 285 Income tax credit; film, video, and digital production in Georgia; change certain qualifications (Substitute)(W&M-Stephens-164th)
- HB 862 Ad valorem tax; homestead exemption; clarify definition of disabled veteran (Substitute)(W&M-Knight-130th)
- HB 922 Income tax credit; creating quality jobs; add definition of taxpayer (Substitute)(W&M-Williamson-115th)
- HB 924 Sales and use tax; certain sales to a qualified job training organization; provide exemption (Substitute)(W&M-Epps-144th)
- HB 960 Tax and revenue; confidentiality of certain tax information; provisions (Substitute)(W&M-Kelley-16th)
- HB 982 Ad valorem tax; property; change certain definitions (Substitute) (W&M-Stephens-164th)
- HR 1052 Thomas William Poole Memorial Bridge; Schley County; dedicate (Substitute)(Trans-Cheokas-138th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bill and Resolution of the House were taken up for consideration and read the third time:

- HB 1004. By Representatives Jasperse of the 11th, Weldon of the 3rd, Powell of the 32nd, Maxwell of the 17th and Ballinger of the 23rd:

A BILL to be entitled an Act to amend Titles 15 and 44 of the O.C.G.A., relating to courts and property, respectively, so as to provide requirements for maps, plats, and plans to be filed for record; to provide for filing of electronic images of maps, plats, and plans; to provide for delivery of plats to the clerk of superior court; to change certain provisions relating to recordation and notations of plats; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 15 and 44 of the Official Code of Georgia Annotated, relating to courts and property, respectively, so as to provide requirements for maps, plats, and plans to be filed for record; to provide for filing of electronic images of maps, plats, and plans; to provide for electronic processing by clerks of superior court; to provide a criminal penalty; to provide for public computer terminal access to electronic filing portal; to provide for rules and regulations; to change certain provisions relating to the indexing of maps or plots; to provide for recordation of real estate instruments; to provide for incorporation by reference to instruments recorded in the office of the clerk of superior court; to provide for recordation of plats in land registration proceedings; to provide for methods of filing condominium instruments with the clerk of superior court; to provide for delivery of plats to the clerk of superior court; to change certain provisions relating to recordation and notations of plats; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-6-67, relating to recordation of maps and plats and specifications, as follows:

"15-6-67.

(a) The clerk of superior court shall file and record ~~in his or her office~~ maps, ~~or~~ plats, and subdivision plats, and condominium plats, condominium site plans, condominium plot plans, and condominium floor plans presented in accordance with Code Section 44-3-83 relating to real estate in the county when submitted for filing as provided in this Code section and accompanied with any required filing fees or costs.

(b) ~~Maps or plats~~ Each map, plat, or plan referred to in subsection (a) of this Code section to be filed and recorded in the office of clerk of superior court shall be ~~prepared in accordance with the minimum standards and specifications adopted in the rules and~~

~~regulations of the State Board of Registration for Professional Engineers and Land Surveyors in conformance with the following requirements:~~

(1) **Material Caption.** Each map or plat page image shall have a caption which shall provide the following information:

~~(A) Any such maps or plats shall be a good legible copy or commercial print reproduced from an original. The county where the property lies;~~

~~(B) The clerk shall enter manually or electronically the filing date, plat book number, and page number on the plats and shall cause the same information to be entered electronically on the digital copy presented for filing and shall return an original physical copy of the plat with the filing information on it to the land surveyor or the person filing the same for record. The clerk shall permanently retain the original physical and digital copy of the plat. Both the filing information and plat shall serve as evidence of the original drawing. The physical copy, the digital copy, or both may be displayed to the public in compliance with Code Section 15-6-68 Any city, town, municipality, or village wherein the property lies;~~

~~(C) The names of all owners of the property;~~

~~(D) If such plat is a subdivision plat, condominium plat, condominium site plan, condominium plot plan, or condominium floor plan;~~

~~(E) The name of any subdivision if for a named subdivision clearly identified as such;~~

~~(F) The name of any condominium if for a condominium plat, condominium site plan, condominium plot plan, or condominium floor plan;~~

~~(G) The applicable units, pods, blocks, lots, or other subdesignations of any named subdivision or condominium;~~

~~(H) The name or names of the developer or developers of any named subdivision or condominium;~~

~~(I) All applicable land districts and land lots reflected on such map, plat, or plan;~~

~~(J) The date of preparation or revision date;~~

~~(K) The name, address, telephone number, and license or registration number of the land surveyor;~~

~~(L) A certificate of the registered land surveyor that such map, plat, or plan meets the current specifications for filing with the clerk of superior court set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;~~

~~(M) A certificate of the registered land surveyor that such map, plat, or plan complies with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors;~~

~~(N) A certificate of the registered land surveyor pursuant to subsection (c) of this Code section that the filing of such map, plat, or plan has been approved in writing by any and all applicable municipal, county, or municipal-county planning commissions or municipal or county governing authorities or that such approval is~~

not required. Each governmental entity granting approval and the dates thereof shall be stated in such certificate; and

(O) If the map, plat, or plan has multiple pages, the page number for each applicable page;

(2) **Filing information box.** Each image of a map, plat, or plan shall provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information; and **Caption.** Maps or plats shall have a title or name which shall be contained in the caption, and the caption shall also provide the following information:

(A) The county, city, town, or village, land district and land lot, and subdivision, if the property lies within a particular subdivision;

(B) The date of plat preparation and the date of the field survey;

(C) The scale, stated and shown graphically;

(D) The name, address, telephone number, and registration number of the land surveyor or the statement that he or she is the county surveyor and is not required by law to be a registered surveyor; and

(E) All reproductions of original maps or plats shall bear the original signature, in a contrasting color of ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat. The provisions of this subparagraph shall apply to all maps or plats that are sealed by a land surveyor which depict and describe real property boundaries. Maps and plats which do not meet the requirements of this subparagraph shall not be sealed nor recorded;

(3) **Size.** Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches, provided that the clerk shall be authorized to file maps or plats in compliance with this subparagraph. When an original map or plat is submitted to the clerk for filing and recordation, the clerk shall be authorized to accept the plat for recordation only upon receiving a minimum of two properly signed reproductions of the original physical plat and a digital copy that has been created at full scale, properly signed and in an electronic format acceptable by the Georgia Superior Court Clerks' Cooperative Authority. The digital copy shall be submitted via media approved by the clerk.

(e) If the plat meets the requirements of subsections (b) and (d) of this Code section, it shall be the duty of the clerk of superior court to file and record such plat and digital image of such plat.

(3) **Format.** All images of maps, plats, or plans submitted for filing shall be an electronic image of a single page certified and presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority.

(d)(c)(1) Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and upon receiving approval thereon by the appropriate governing authority, then no plat of subdivision of land within the

municipality or the county shall be filed or recorded in the office of clerk of superior court of a county without the approval ~~thereon~~ of the municipal or county planning commission or governing authority, ~~and without such approval having been entered in writing on the plat by the secretary or other designated person of the municipal or county planning commission or governing authority.~~ The clerk of superior court shall not file or record a plat of subdivision which does not have the approval of the ~~municipal or county planning commission or governing authority as required by this subsection.~~ The registered land surveyor preparing any such plat for filing shall certify thereon that such plat has been approved for filing by all applicable municipal and county governmental bodies specifically stating by name the bodies having made such approval and the dates thereof.

(2) Notwithstanding any other provision of this subsection to the contrary, no approval of the ~~municipal or planning commission,~~ municipal or county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority shall be required if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat of survey containing thereon a certification from a ~~licensed~~ registered land surveyor that the provisions relative to this subsection do not require approval of the ~~municipal, county, or municipal-county or county~~ municipal or county planning commission or ~~municipal or county~~ municipal or county governing authority shall entitle said plat to record. ~~Any licensed surveyor who fraudulently certifies that a plat of survey does not require the approval specified in this subsection shall be guilty of a misdemeanor to be recorded.~~

(d) Any land surveyor who fraudulently makes any certification required under this Code section shall, upon conviction thereof, be guilty of a misdemeanor.

(e) The clerk of superior court shall make available a public computer terminal which provides a filer access to the Georgia Superior Court Clerks' Cooperative Authority's electronic filing portal.

(f) The Georgia Superior Court Clerks' Cooperative Authority shall have the power and authority to promulgate such rules and regulations deemed necessary or convenient for implementation of the provisions of this Code section.

(g) The clerk of superior court shall be held harmless for the filing of any map, plat, or plan that fails to meet any requirement of this Code section."

SECTION 2.

Said title is further amended by revising Code Section 15-6-68, relating to public access to maps and plats, as follows:

"(a) The clerk of each superior court shall provide books, binders, or any other alternative system, either manual or electronic, for providing public access to maps, ~~and~~ plats, and plans. ~~For all electronic images of plats submitted to the clerk on or after July 1, 2012, the clerk shall provide necessary equipment for printing either an entire full-size copy of each recorded plat or copies of sections of each entire recorded plat, printed in full scale.~~

(b) The clerk of superior court shall provide an electronic, computer-based indexing system in which shall be indexed all maps, subdivision plats, condominium plats, and other plats, condominium site plans, condominium plot plans, and condominium floor plans ~~or plats~~ under the caption or name of the subdivision, if any, under the name of the owner or owners of the property mapped or platted, and also under the land lot number and district number if the land lies in that portion of the state which has been surveyed into land lots and districts.

(c) In counties of this state that are divided into land lots, the clerk of superior court shall provide an electronic, computer-based system for maintaining and searching a record for each land lot and land district by listing all surveys made for each lot and where they are recorded.

(d) The clerk shall electronically note the ~~date and time of the filing of a plat for record on the face of the plat~~ filing date, book, and page numbers on the image and shall electronically transmit a copy of the map, plat, or plan with such filing information to the email address of the person filing the same for record."

SECTION 3.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising paragraph (4) of subsection (b) of Code Section 44-2-2, relating to duty of clerk to record certain transaction affecting real estate and personal property, priority or recorded instruments, and effect of recording on rights between parties to instruments, as follows:

"(4) When indexing maps or plats relating to real estate in the county, the clerk of superior court shall index the names or titles provided in the caption of the plat,~~as required by paragraph (2) of subsection (b) of Code Section 15-6-67, as both the grantor and grantee.~~"

SECTION 4.

Said title is further amended by revising Code Section 44-2-25, relating to recording techniques and photostatic copies of plats, as follows:

"44-2-25.

All decrees, deeds, mortgages, or other instruments affecting the title to land shall be recorded by the clerk of the superior court ~~by the use of printing, typewriting, handwriting in ink, photostating, or photographing, which record shall be clear, legible, and permanent. The record may be made by any one or more of such methods in such a manner so as to provide a permanent record of such instruments.~~ It shall be lawful to make a ~~photostatic~~ copy or copies of any plats, blueprints, or other copies of plats that are already of record in the clerk's office. These copies ~~or photostatic copies thereof~~ shall serve all purposes and shall be as authentic as the originals."

SECTION 5.

Said title is further amended by revising Code Section 44-2-26, relating to recording of plat or copy of plat, when and where authorized, and duty of clerk, as follows:

"44-2-26.

The owner of real property or of any interest therein or any holder of a lien thereon may have file a plat of the property ~~or a blueprint, tracing, digital copy, or other copy of a plat of the property recorded and indexed~~ in the office of the clerk of the superior court of the county in which the property or any part thereof is located. It shall be the duty of the clerk to record and index any plat ~~or any blueprint, tracing, digital copy, or other copy of the plat~~ that conforms with Code Section 15-6-67."

SECTION 6.

Said title is further amended by revising Code Section 44-2-27, relating to recording of plat or copy of plat and when deemed recorded, as follows:

"44-2-27.

When any plat ~~or any blueprint, tracing, photostatic copy, or other copy of the plat is securely pasted or fastened in the book provided by the clerk for that purpose, such pasting or fastening is filed by the clerk of superior court, such filing shall be deemed a recording of the plat.~~

SECTION 7.

Said title is further amended by revising Code Section 44-2-28, relating to recording of plat or copy of plat and incorporation by reference, as follows:

"44-2-28.

When any deed, mortgage, or other instrument conveying an interest in or creating a lien on real property refers to the boundaries, metes, courses, or distances of the real estate delineated or shown on any plat of the property or on any blueprint, tracing, photostatic or digital copy, or other copy of the plat which has been recorded as authorized in Code Section 44-2-26 and when the deed, mortgage, or other instrument states the office, book, and page of recordation of the plat or of the blueprint, tracing, photostatic or digital copy, or other copy of the plat, the reference shall be equivalent to setting forth in the deed, mortgage, or other instrument the boundaries, metes, courses, or distances of the real estate as may be delineated or shown on the plat or on the blueprint, tracing, photostatic or digital copy, or other copy thereof."

SECTION 8.

Said title is further amended by revising Code Section 44-2-237, relating to recordation and notation of plat, attaching certified copy to certificate, and fee, as follows:

"44-2-237.

Whenever a plat of the premises which is too large or too intricate for easy transcription on the register of decrees of title or on the certificate of title is a part of the description of the lands or is used to aid description, it shall not be necessary for the clerk to copy such plat on the register of decrees of title or on the certificate of title. In lieu of copying such plat, the clerk shall record it ~~in one of the public record books in his office and shall note its existence together with~~ a reference to the book and page where recorded. ~~If the holder of the owner's certificate desires a copy of the plat to be~~

~~attached as a part of his owner's certificate, the clerk shall make a certified copy and attach it upon payment of the fee provided for in paragraph (2) of subsection (f) of Code Section 15-6-77."~~

SECTION 9.

Said title is further amended by revising Code Section 44-3-74, relating to recording condominium instruments, plats, plans, and encumbrances and record books, as follows:

"44-3-74.

(a) The declaration and any amendments thereto shall be entitled to recordation if executed in the manner required for recording deeds to real property. All condominium instruments and any amendments and certifications thereto shall set forth the name of the condominium; the name of the county or counties in which the condominium is located; and, except for the declaration itself, the deed book and page number where the first page of the declaration is recorded or the document number assigned to the declaration upon its recordation. All condominium instruments and all amendments and certifications thereto shall be recorded in every county where any portion of the condominium is located. The recordation shall not require the approval of any county or municipal authority or official except as to the manner of execution prescribed by this Code section.

(b) ~~In addition to the records and indexes required to be maintained by the~~ The clerk of the superior court, ~~such clerk shall continue to maintain one or more separate plat books, entitled 'Condominium Plat Book,' in which shall be recorded all plats required to be filed pursuant to this article. In addition to such plats, there shall also be entitled to be recorded in such plat books other plats, including site plans and plot plans, prepared by a registered land surveyor and affecting any condominium; but the same shall not constitute the recording of a plat pursuant to Code Section 44-3-83 unless they comply with all requirements thereof. The record of the declaration and of any amendment thereto shall contain a reference to the plat book and page number of the plat or plats recorded in connection therewith~~ any legacy condominium plats books, condominium site plan books, condominium plot plan books, or condominium floor plan books that currently exist either in their current form or in electronic format.

(c) ~~The plans required to be recorded pursuant to Code Section 44-3-83 shall be kept by the clerk of the superior court in a separate file for each condominium and shall be indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated 'Condominium Plans,' with the name of the condominium, and each containing a reference to the deed book and page number where the first page of the declaration is recorded or the document number assigned to the declaration upon its recordation. The record of the declaration and of any amendment thereto shall contain a reference to the file number of the plans recorded in connection therewith.~~

~~(d)~~(c) All deeds, mortgages, liens, leases, and encumbrances of any kind affecting any condominium unit or duplicate originals thereof or copies thereof certified by the clerk

of the superior court in whose office the same are first recorded shall be recorded in all counties in which any part of the submitted property is located."

SECTION 10.

Said title is further amended by revising Code Section 44-13-13, relating to appointment of appraisers upon filing of objections, examination and valuation of property, alterations in plat and schedule, approval and recordation, and appeal, as follows:

"44-13-13.

Upon an objection being made as provided for in Code Section 44-13-12, unless the applicant shall so alter the schedule or plat or both as to remove the objections, the judge of the probate court shall appoint three disinterested appraisers to examine the property concerning which the objections are made and to value the same. On the appraisers' return under oath, if either the schedule or the plat shall be found to be too large, such alterations shall be made in the schedule and in the plat as the judge may deem proper to bring them within the limits of the value allowed by this article. Thereafter, the judge shall approve the schedule and the plat as required by Code Section 44-13-11 and shall ~~hand~~ cause the same to be delivered to the clerk of ~~the~~ superior court of his or her county who shall record the schedule and plat as required by Code Section 44-13-11. Either party dissatisfied with the judgment shall have the right to appeal under the same rules, regulations, and restrictions as are provided by law in cases of appeals from the probate court."

SECTION 11.

This Act shall become effective on January 1, 2017.

SECTION 12.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland

Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 2.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HR 1052. By Representative Cheokas of the 138th:

A RESOLUTION honoring the life of Mr. Thomas William Poole and dedicating a bridge in his memory; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, Mr. Thomas William Poole was born on December 24, 1991, in Ellaville, Georgia, the beloved son of Donnie and Deborah Poole; and

WHEREAS, a lifetime resident of Schley County, Mr. Poole grew up in his family's home on Poole Road which stands as the oldest occupied home in the county; and

WHEREAS, he worked as a heating and air technician and was a faithful member of Ellaville Baptist Church; and

WHEREAS, Mr. Poole's life was tragically cut short on June 2, 2013, when he was involved in a fatal vehicle crash; and

WHEREAS, Mr. Poole was known to be a kind and generous man by all who had the fortune of encountering him; and

WHEREAS, throughout his life, he continuously demonstrated a deep concern and compassion for others, going above and beyond to ensure the happiness, safety, and care for both friends and strangers; and

WHEREAS, an avid outdoorsman, Mr. Poole was passionate about hunting and fishing and spent countless hours during his youth at Buck Creek near his family home; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART II

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Mr. Richard John Chambers, Sr., served as a guardian of this nation's freedom and liberty with the United States Air Force; and

WHEREAS, Mr. Chambers was a career educator in Banks and Jackson counties, where his work uplifted the lives of countless students; and

WHEREAS, he was an avid supporter of community sustainment and county beautification and devoted countless hours of his time, talent, and energy to organizations such as the Banks County Historical Society, Commerce Lions Club, and Habitat for Humanity; and

WHEREAS, a community leader, Mr. Chambers played a large role in maintaining the historical integrity of Banks County through the compilation and publishing of the *History of Banks County*; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART III

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Dr. Delores Felder on September 18, 2014; and

WHEREAS, Dr. Felder was born on April 11, 1949, in Marshallville, Georgia, a beloved daughter of Arthur Felder II and Carrie Lou Murph Felder; and

WHEREAS, a woman of deep and abiding faith, she was an active member of Saint James Christian Methodist Episcopal Church and active in several community organizations; and

WHEREAS, she received her Bachelor of Science and master's degrees from Fort Valley State College and later received her doctoral degree from Nova Southern University in Fort Lauderdale, Florida; and

WHEREAS, Dr. Felder taught in the Macon County School System from 1971 until 1981, where she served as Assistant Administrator with the Macon County Board of Education and as principal of the new Macon County Elementary School and the D.F. Douglass Alternative Center before retiring in 2003; and

WHEREAS, her love for her city and others led her to be elected to the city council, where her long service included the position of Mayor Pro Tem; and

WHEREAS, she gave inspiration to many through her high ideals, morals, and deep concern for her fellow citizens, and the devotion, patience, and understanding she demonstrated to her family and friends were admired by others; and

WHEREAS, she was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example she made of her life, she made this world a better place in which to live; and

WHEREAS, a compassionate and generous woman, Dr. Felder will long be remembered for her love of family and friendship, and this loyal sister, aunt, educator, and friend will be missed by all who had the great fortune of knowing her; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in her memory.

PART IV

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. William Lee Brown on September 18, 2014; and

WHEREAS, Mr. Brown was born on May 27, 1940; and

WHEREAS, Mr. Brown was united in love and marriage to Debra Cross Brown and was blessed with five remarkable children, Howard, Kathryn Elizabeth, Kimberly Michele, Mary Margaret, and Rachel Suzanne, and 11 wonderful grandchildren, William DeWitt, Kaitlin Elizabeth, Sarah Elizabeth, Julia Caroline, William Higdon, Mary Rachel, Joseph Mason, William Peyton, Isabelle Grace, Gabrielle Rose, and Houston Randolph; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Mr. Brown will long be remembered for his love of family and friendship, and this loyal gentleman and friend will be missed by all who had the great fortune of knowing him; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART V

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mr. Solomon T. "Sol" Dover on February 14, 1999; and

WHEREAS, a native of Bartow County, Mr. Dover acquired his family's farm located on Georgia Highway 113 in 1939, and later gifted portions of his land to the county for additions to the highway; and

WHEREAS, Mr. Dover was united in love and marriage to Ruby Lee Pell Dover, a union which brought them nine children, all of whom were raised on the family farm and five of whom continue to maintain homes on the farm to date; and

WHEREAS, a man of deep and abiding faith, Mr. Dover served as treasurer and Sunday school superintendent for Raccoon Creek Church and was instrumental in helping the church accomplish numerous building additions; and

WHEREAS, Mr. Dover was a hard-working, passionate leader of his community, where he donated his time to serve as trustee for the Stilesboro School; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a bridge in his honor.

PART VI

WHEREAS, Mr. Louie Morris was known for his leadership and love of Hart County, Georgia, during the early 1900s; and

WHEREAS, an avid journalist, Mr. Morris was owner and editor of the *Hartwell Sun* and served as president of the Georgia Press Association and co-chairman of the Georgia Press Institute; and

WHEREAS, his guidance and civic leadership were instrumental to Hart County during his time as a member of the Hartwell City Council; and

WHEREAS, Mr. Morris served on the staff of Georgia Governors Richard Russell, Jr., and Ellis Arnall; and

WHEREAS, he began a radio station in Hartwell, *WKLY*, and was president of the Hartwell Railway Company; and

WHEREAS, Mr. Morris contributed unceasing efforts toward the construction of what is now known as the Hartwell Dam, a project that was unrealized at the time of his death on May 10, 1955; and

WHEREAS, on October 11, 1940, the Highway Departments of South Carolina and Georgia, in cooperation with the United States Bureau of Public Roads, erected a monument dedicating the bridge over the Savannah River in honor of his unyielding commitment; and

WHEREAS, the stone monument dedicating the Louie Morris Bridge was relocated in 1958 after the river flooded the bridge and caused damage that necessitated the building of a new bridge; and

WHEREAS, an official Georgia dedication sign does not exist at what is known as the Louie Morris Bridge, and it is abundantly fitting and proper that this body recognizes this

remarkable and distinguished Georgian by erecting an official Georgia bridge dedication marker.

PART VII

WHEREAS, Robert and Ardena Beasley had unimpeachable reputations for integrity, intelligence, fairness, and kindness, and by the example they made of their lives, they made this world a better place in which to live; and

WHEREAS, a couple with deep and abiding faith, the Beasleys were active members of Christian Fellowship Community Church; and

WHEREAS, they were united in love and marriage and blessed with eight remarkable children, Norvie L. Beasley, Sr.; Barbara J. Tinsley; Charles E. Beasley; Robert L. Beasley, Jr.; Beverly D. Rollins; Carl P. Beasley; Roberta Ann Beasley; and Representative Sharon Beasley-Teague; and

WHEREAS, the Beasleys were active community leaders, volunteering their time, talents, and energy to organizations such as SCLC in Atlanta, Christian Ministers Alliance, and the Richard James Teague Memorial Foundation for Sickle Cell Research; and

WHEREAS, they gave inspiration to many through their high ideals, morals, and deep concern for their fellow citizens, and the devotion, patience, and understanding they demonstrated to their family and friends were admired by others; and

WHEREAS, it is abundantly fitting and proper that the members of this body honor the lives of these distinguished Georgians by dedicating a bridge in their memory.

PART VIII

WHEREAS, Mr. William Penn "Mr. Bill" Walker, Sr., was widely recognized for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Walker took up residence near the intersection of State Route 125 and State Route 122 at the meeting point of Lowndes, Berrien, and Lanier counties in 1954; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state, as evidenced dramatically by his superlative service with the Atlanta Police Department for nearly 20 years; and

WHEREAS, Mrs. Ruby Herndon Walker was by Mr. Walker's side, working and supporting him in all his endeavors; and

WHEREAS, unofficially known by local peace officers as "Walker's Crossing," the intersection at their home and well-known lounge was a long-time meeting place for police officers to exchange prisoners to transport them across county lines; and

WHEREAS, Mr. Walker was known by the county sheriff departments of Lowndes, Berrien, and Lanier counties as a person who would assist them with any of their needs; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished couple be recognized appropriately by dedicating an intersection in their memory.

PART IX

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART X

WHEREAS, Mr. Joel Jackson Parrish was born in Lowndes County on September 11, 1834, the beloved eldest son of Robert N. and Nancy McCranie Parrish, and passed away in Cook County on October 14, 1922; and

WHEREAS, he served as a guardian of this nation's freedom and liberty as 3rd Sergeant in Company "G" of the 29th Georgia Infantry, as 2nd Lieutenant of Company "D," and as First Lieutenant of Company "K"; and

WHEREAS, Mr. Parrish was elected Clerk of the Superior Court of Berrien County, served as County Surveyor for Berrien County, and was Justice of the Peace in the 1145th District; and

WHEREAS, he was responsible for the naming of the town of Adel and also served as the town's first postmaster; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Sergeant First Class Victor A. Anderson demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army and Army National Guard for 22 years and was killed in action while serving in Iraq; and

WHEREAS, Sergeant First Class Anderson's commendations include the Bronze Star, Purple Heart, Combat Infantryman's Badge, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, Army Reserve Component Achievement Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Iraqi Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Armed Forces Reserve Medal, NCO Professional Development Ribbon, Army Service Ribbon, Army Overseas Service Ribbon, United Nations Medal, NATO Medal-Former Republic of Yugoslavia, Kuwait Liberation Medal-Saudi Arabia, Kuwait Liberation Medal-Kuwait, Georgia Special Operations Ribbon, and Georgia State Active Duty Ribbon; and

WHEREAS, he served as a police officer and deputy sheriff in his hometown of Ellaville and as a deputy sheriff in Sumter County; and

WHEREAS, Sergeant First Class Anderson embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART XII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, current and former members of the United States military have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, the Purple Heart is awarded to members of the armed forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action; and

WHEREAS, these brave men and women serve as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that Purple Heart recipients are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, these individuals embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XIII

WHEREAS, Mr. Martin Luther King, Sr., the beloved son of James and Delia Linsey King, was born Michael King in 1899 in a sharecropper's cabin in Stockbridge, Georgia; and

WHEREAS, affectionately known as "Daddy King," Mr. King was the father of Nobel Peace Prize recipient Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Mr. King attended the Stockbridge Rosenwald School and was licensed as a preacher at the age of 15, preaching his first sermon at Floyd Chapel Baptist Church; and

WHEREAS, in 1934, Mr. Martin changed his name and that of his son to Martin Luther and encouraged his son to become active in the Civil Rights Movement; and

WHEREAS, Mr. King was a major influence on his son's decision to enter the ministry and the guidance he provided to Martin Luther King, Jr., as a child and young adult had an everlasting impact on the man he became; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XIV

WHEREAS, it is abundantly fitting that Confederate General James Longstreet be recognized appropriately by dedicating a bridge in his memory.

PART XV

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Mr. Mack Fitzgerald served as a guardian of this nation's freedom and liberty with the United States Air Force, valiantly and courageously protecting his fellow Americans during World War II; and

WHEREAS, Mr. Fitzgerald received training as a flight engineer and gunner aboard a B-24 Liberator; and

WHEREAS, he was a member of "Operation Tidal Wave," with the mission of flying at low altitudes over Ploiesti, Romania, in order to destroy the enemy force's oil refineries; and

WHEREAS, after training for the low-level bombing mission in the Sahara Desert, Mr. Fitzgerald's bomber was one of 178 aircraft in what would become known as "Black Sunday," marking the worst single-day loss in the war; and

WHEREAS, during the mission, Mr. Fitzgerald's aircraft was hit by enemy fire and lost two engines, forcing an emergency landing in an open field; and

WHEREAS, he was a prisoner of war for 13 months along with over 100 other Americans; and

WHEREAS, he retired from the military after 25 years of dedicated and selfless service and was recognized with numerous medals, including the Purple Heart, Distinguished Flying Cross, Air Medal, and the POW Medal; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating an intersection in his honor.

PART XVI

WHEREAS, Reverend Joe E. Edwards has demonstrated his commitment to teaching the Gospel, witnessing Christ through word and deed, and addressing the physical, psychological, intellectual, and spiritual needs of others; and

WHEREAS, Reverend Edwards is a person of vision and action and is known throughout the Church of God denomination as a powerful preacher, sensitive to the Holy Spirit in bringing anointed messages from God; and

WHEREAS, educated at Lee College and the Church of God School of Theology, Reverend Edwards was called by the Lord 24 years ago to lead the congregation of Cartersville Church of God at Liberty Square; and

WHEREAS, under the esteemed leadership of Reverend Edwards, the Cartersville Church of God at Liberty Square has enriched the community with its worship center, educational facilities, Family Life Center, Harvest House, Excel Christian Academy, and the Cartersville Child Care Center; and

WHEREAS, Reverend Edwards has been recognized as a gifted writer, an effective and spiritually anointed speaker whose Gospel messages communicate effectively and with simplicity to persons from all walks of life, and a writer of spiritual publications throughout the United States; and

WHEREAS, he has served as a member of the Church of God Executive Council, chairman of the general study commission, state youth boards, evangelism boards, state overseer of the Church of God in Northern Ohio, and numerous other conferences, councils, and meetings as an active and honored member whose spiritual guidance is sought; and

WHEREAS, Reverend Edwards is united in love and marriage to his wife, Becky, and has been blessed with five children and several grandchildren; and

WHEREAS, the ministry of Reverend Edwards has enriched his denomination in visionary leadership, in discipleship, in outreach, in Bible teaching, in faith-building fellowship, and by encouraging active community service; and

WHEREAS, it is abundantly fitting and proper that this enduring example of God's message of peace and love be recognized with an intersection dedicated in his honor.

PART XVII

WHEREAS, Mr. Samuel L. Cummings has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Cummings was born in Midville, Georgia, one of 13 beloved children of the late Lawton and Mary Cummings; and

WHEREAS, educated in the Burke County School System, Mr. Cummings attended Swansboro Junior College and the University of Georgia before he became the first African American certified elected official in Burke County; and

WHEREAS, he has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service as a city councilmember and mayor for the City of Midville; and

WHEREAS, Mr. Cummings' leadership and guidance have been instrumental to numerous organizations, including the Optimism Club of Midville, board of directors for Family and Children Services of Burke County, and Midville Development Authority; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in his honor.

PART XVIII

WHEREAS, Colonel William Lee Robinson served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously serving a tour in Vietnam and continuing his service for 31 years in the Army Reserve; and

WHEREAS, a leader in Bibb County, Colonel Robinson was widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he was elected to the Georgia Senate in 1974, adeptly and ably representing the people of Bibb and Monroe counties for eight years; and

WHEREAS, Colonel Robinson attended Mercer Law School while also obtaining his master's degree in business administration; and

WHEREAS, he was elected as mayor of Macon in 1997 and served as a circuit public defender for Macon-Bibb and surrounding counties after his service as mayor; and

WHEREAS, a civic leader, Colonel Robinson was active with the Middle Georgia Cancer Society, Alzheimer's Association, Cherry Blossom Festival, Macon Jaycees, Rotary Club, and Keep Macon-Bibb Beautiful; and

WHEREAS, a man of deep and abiding faith, Colonel Robinson was a founding member of Ingleside Baptist Church, where he served as deacon, overseer, and Sunday school teacher and was an avid participant and leader of mission trips in many areas of the world; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XIX

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mr. Steven Charles Brack on October 11, 2004; and

WHEREAS, Mr. Brack served with the Allentown Volunteer Fire Department and was a member of the Allentown City Council; and

WHEREAS, his life was tragically cut short when he was involved in a vehicle crash while responding to a call on Interstate 16; and

WHEREAS, Mr. Brack gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XX

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, a native of Mitchell County, Georgia, Mr. Harvey J. Morey was one of 12 beloved children of Robert H. Morey and Ruth Alligood Morey; and

WHEREAS, he demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously defending his fellow citizens during World War II; and

WHEREAS, Mr. Morey trained at Fort Gordon and in Scotland and England, was a member of the 2nd battalion, 29th Infantry Division, 116th Infantry Regiment, and experienced combat in France; and

WHEREAS, he was killed in action on Martinville Ridge outside of St. Lo, France, on July 15, 1944; and

WHEREAS, Mr. Morey's bravery and sacrifice were recognized with a Purple Heart, Combat Infantryman Badge, American Campaign Medal, and World War II Victory Medal; and

WHEREAS, Mr. Morey embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART XXI

WHEREAS, Mayor Eva Cohn Galambos is remembered by the citizens of this state for the vital role she played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, born in Berlin, Germany, Mayor Galambos graduated *summa cum laude* with a bachelor's degree in business administration from the University of Georgia, earned a master's degree in labor and industrial relations also from the University of Georgia, and obtained a doctorate in economics from Georgia State University; and

WHEREAS, her first professional job was as an associate editor for the *Atlanta Journal of Labor* and she went on to work with the Georgia State Merit System and the International Association of Machinists and taught at Clark College and Georgia State University; and

WHEREAS, she was elected to serve as the first mayor of Sandy Springs after the city's incorporation in 2005, a position she maintained until 2014; and

WHEREAS, prior to Mayor Galambos' service as mayor she served as president for the Committee for Sandy Springs, co-founder and secretary of Sandy Springs Revitalization, founder of Sandy Springs Clean and Beautiful, chairperson of services committee for the Sandy Springs Council of Neighborhoods, chairperson of the Fulton County Housing Authority, and founder of the Sandy Springs Civic Roundtable; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an interchange in her memory.

PART XXII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the passing of Sergeant First Class Ray F. Lents on December 16, 1993; and

WHEREAS, a native of Murray County, Georgia, Sergeant First Class Lents joined the Georgia State Patrol in 1963 and was assigned to Post 27 in Blue Ridge upon graduating from the 25th trooper school in Atlanta in 1964; and

WHEREAS, he was promoted to corporal in 1968 and sergeant in 1971 and served as commander of Post 27 from 1971 until his retirement in 1993, diligently protecting and serving the citizens of Fannin, Gilmer, Union, and Towns counties; and

WHEREAS, this dedicated law enforcement officer served as a guardian of this nation's freedom and liberty with the United States Armed Forces and was a member of Lebanon Baptist Church and Blue Ridge Masonic Lodge Number 67 F&AM; and

WHEREAS, he was united in love and marriage to Jo Ann Galloway Lents and blessed with three remarkable children, Jeff, Tim, and Mandy; and

WHEREAS, Sergeant First Class Lents exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and it is abundantly fitting and proper that an intersection be dedicated in his memory.

PART XXIII

WHEREAS, Mayor Barbara Stephens is remembered by the citizens of this state for the vital role she played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a graduate of Young Harris College, Mayor Stephens dedicated 30 years to inspiring and educating this state's future leaders as a teacher at East Fannin Elementary School; and

WHEREAS, Mayor Stephens was elected the first female mayor of Morganton and diligently and conscientiously served the citizens of Morganton for 13 and one-half years when she was elected to serve as the city's mayor after there was a threat of disbanding the city charter while she was a member of the city council; and

WHEREAS, her leadership and foresight were instrumental in obtaining a grant for \$5.6 million to replace the city's water lines, build a new 200,000 gallon water tank, establish a new well, expand the water system, and increase the number of fire hydrants from 11 to 111; and

WHEREAS, during her term as mayor, Fire Station 11 was opened, allowing life-saving services to be provided to the people of Morganton faster and more efficiently; and

WHEREAS, a woman of deep and abiding faith, Mayor Stephens taught Sunday school for many years at Temple Baptist Church; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a road in her memory.

PART XXIV

WHEREAS, Mr. Roy L. Chapman is remembered by the citizens of this state for the vital role he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a native of McCaysville, Mr. Chapman was the son of a pioneer family of Fannin County, Enoch Washington and Josephine Watson Chapman; and

WHEREAS, he served as ordinary and probate judge for Fannin County for 28 years, and during his career on the bench, he earned a reputation as a clear thinker and hard worker, as a man whose strong convictions were supported by meticulous research and careful consideration, and as an equitable, impartial leader whose decisions were governed by the rules of honesty and fair play; and

WHEREAS, Mr. Chapman was an honest and dedicated public servant who strived for excellence in all his endeavors and whose primary concern was the fair and impartial administration of justice; and

WHEREAS, a community leader and activist, Mr. Chapman was active in the Republican Party of Fannin County and was a charter member of the McCay Masonic Lodge Number 423 F&AM; and

WHEREAS, he was united in marriage to Mrs. Eva Mae Pierce Chapman and was blessed with three remarkable children, Dr. Roy Lee Chapman, Mrs. Claudette Loudermilk, and Mrs. Gilita Carter; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an intersection in his memory.

PART XXV

WHEREAS, Mr. William Douglas "Billy" Dilworth was known throughout his community and this state for his journalistic integrity, professionalism, and dedication to entertaining and informing his audience; and

WHEREAS, a native of the Red Hill community of Franklin County, Mr. Dilworth made a name for himself in media, working for years in the newspaper, radio, and television industries; and

WHEREAS, he earned a bachelor's degree from the University of Georgia, where he wrote for the *Red & Black* student newspaper; and

WHEREAS, Mr. Dilworth wrote news and features for the *Athens Daily News* and worked as a writer for the *Anderson Independent* in South Carolina and the *Atlanta Times*; and

WHEREAS, in 1985, he became the host of *The Billy Dilworth Show* which aired on WNEG-TV for more than 20 years and entertained with a mixture of music and interviews; and

WHEREAS, *The Billy Dilworth Show* was the longest running live television broadcast in the country; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART XXVI

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the bridge on U.S. Highway 19 North over Buck Creek in Schley County is dedicated as the Thomas William Poole Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on US 441/SR 15 over Interstate 85 in Banks County is dedicated as the Richard Chambers Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 127 over the Flint River Overflow, three miles west of Marshallville in Macon County, is dedicated as the Dr. Delores Felder Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 26 over the Flint River Overflow in Macon County is dedicated as the William Brown Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over Raccoon Creek on Georgia Highway 133 west of Cartersville in Bartow County is dedicated as the Solomon T. "Sol" Dover Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 29 over the Savannah River in Hart County is dedicated as the Louie Morris Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 92 North over the Chattahoochee River in Fulton County is dedicated as the Robert and Ardena Beasley Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 125/Bemiss Road/Valdosta Ray City Highway and State Route 122 at the meeting point of Lowndes, Berrien, and Lanier counties is dedicated as Walker's Crossing in memory of Mr. William "Mr. Bill" and Ruby Herndon Walker.

BE IT FURTHER RESOLVED AND ENACTED that this body hereby joins in honoring United States military veterans and dedicates the portion of State Route 125 from the intersection of CR 354/Alapaha Lenox Road to the intersection at West Marion Avenue and Tifton Road at State Route 122 in Berrien County as the Veterans Memorial Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 37/76 over Bear Creek in Cook County is dedicated as the Joel Jackson Parrish Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Highway 19 from Schley County mile marker 0 to Sumter County mile marker 15.7 and continuing to the northern city limits of Americus at mile marker 14 is dedicated as the SFC Victor A. Anderson Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that State Route 520 from Chattahoochee County through Dougherty County, including Stewart, Webster, Terrell, and Lee counties, is dedicated as the Purple Heart Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over the Norfolk Southern rail lines/North and South Berry Streets on State Route 42 in Henry County is dedicated as the Martin Luther King, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 129 over Lake Lanier is dedicated as the Longstreet Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 257 and the Highway 441 Bypass in Laurens County is dedicated as the TSGT Mack Fitzgerald Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 20/Canton Highway and Roving Road/Smith Cline Road in Bartow County is dedicated as the Reverend Joe E. Edwards Intersection.

BE IT FURTHER RESOLVED AND ENACTED that State Route 305 from its intersection with State Route 56 to the intersection of Old Wadley Road near the border of the city of Midville in Burke County is dedicated as the Samuel L. Cummings Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Riverside Drive over Interstate 75 in Bibb County is dedicated as the Mayor Lee Robinson Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 112 over Interstate 16 in Wilkinson County is dedicated as the Steven Charles Brack Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 93 from State Route 112 in the community of Lester to State Route 300 in Baconton in Mitchell County is dedicated as the Harvey J. Morey Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the interchange at Georgia 400 and U.S. 19 in Sandy Springs is dedicated as the Mayor Eva Cohn Galambos Memorial Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 515/U.S. 75 and the Orvin Lance Connector is dedicated as the Sergeant First Class Ray F. Lents Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 60 where the road diverges from Old U.S. 76 and proceeds west toward Blue Ridge to the intersection of State Route 60/Old U.S. 76/Morganton Highway and Thomas Street in Fannin County is dedicated as the Barbara Stephens Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 5/Blue Ridge Drive and Tennessee Avenue in Fannin County is dedicated as the Roy L. Chapman Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 59 from the intersection with State Route 17 to Highway 164/Bold Springs Road in Franklin County is dedicated as the Billy Dilworth Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 280 over the Oconee River in Montgomery county is dedicated as the Veterans Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 15 from Womack Lane to the Johnson county line is dedicated as the Jimmy B. Lord Highway.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of is authorized and directed to make appropriate copies of this resolution available for distribution to the Department of Transportation, to the family of Mr. Thomas William Poole; Mr. Richard John Chambers, Sr.; Dr. Delores Felder; Mr. William Lee Brown; Mr. Solomon T. "Sol" Dover; Mr. Louie Morris; Robert and Ardena Beasley; Mr. and Mrs. William Penn Walker, Sr.; Mr. Joel Jackson Parrish; Sergeant First Class Victor A. Anderson; Mr. Martin Luther King, Sr.; Colonel William Lee Robinson; Mr. Steven Charles Brack; Mr. Harvey J. Morey; Mayor Eva Cohn Galambos; Sergeant First Class Ray F. Lents; Mayor Barbara Stephens; Mr. Roy L. Chapman; and Mr. William Douglas "Billy" Dilworth; and Mr. Mack Fitzgerald, Reverend Joe E. Edwards, and Mr. Samuel L. Cummings.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall

Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Clark, D	Y Golick	Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 170, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

Under the general order of business, the following Bill of the House, having previously been read, was again taken up for consideration:

HB 654. By Representatives Scott of the 76th, Jordan of the 77th, Stovall of the 74th, Waites of the 60th, Anderson of the 92nd and others:

A BILL to be entitled an Act to amend Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, so as to require such studios to post notification that certain tattoos could disqualify the wearer from military service; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, so as to require such studios to post notification that certain tattoos could disqualify the wearer from military service; to provide for a criminal penalty; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, is amended by adding a new Code section to read as follows:

"31-40-11.

(a) Each tattoo studio shall conspicuously display in a prominent place easily seen by patrons immediately upon entering the tattoo studio a printed warning sign stating the following: 'WARNING: YOU WILL LIKELY BE DISQUALIFIED FROM JOINING THE MILITARY IF YOU HAVE A TATTOO ON YOUR FACE, NECK, FOREARM, HAND, WRIST, OR LOWER LEG.' Such sign shall consist entirely of letters that are at least one inch high.

(b) Any tattoo studio that fails to comply with subsection (a) of this Code section shall receive a warning for a first offense, pay a \$25.00 fine for a second offense, pay a \$75.00 fine for a third offense, and pay a \$300.00 fine for a fourth or subsequent offense. Any fines paid pursuant to this subsection shall be paid to the county board of health in the county in which such tattoo studio is located.

(c) Pursuant to Code Section 31-40-5, county boards of health shall adopt and promulgate rules and regulations for the enforcement of this Code section."

SECTION 2.

This Act shall become effective on June 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	Smith, L
N Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Deffenbaugh	N Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R

Y Belton	Y Dickey	N Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Bennett, T	N Dollar	Y Howard	E Peake	N Stover
Bentley	Douglas	Y Hugley	N Petrea	N Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Beskin	N Dudgeon	N Jasperse	N Pirkle	N Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	Dunahoo	Y Jones, J.B.	Powell, J	Y Taylor, D
Broadrick	N Duncan	E Jones, L	Y Price	Y Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	N Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
N Cannon	Floyd	Y Knight	N Reeves	Y Welch
N Cantrell	Y Fludd	Y LaRiccica	Rhodes	Y Weldon
N Carson	Y Frazier	N Lott	Y Rice	Y Werkheiser
Carter, A	Frye	Y Lumsden	Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casas	Y Gasaway	Y Marin	N Rutledge	Willard
Chandler	N Gilligan	Y Martin	N Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Clark, D	Y Golick	Mayo	Y Setzler	E Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 112, nays 38.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate:

SB 409. By Senators VanNess of the 43rd, Shafer of the 48th, Unterman of the 45th, Rhett of the 33rd, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to require every public school to post a sign containing the toll-free telephone number operated

by the Division of Family and Children Services of the Department of Human Services to receive reports of child abuse or neglect; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having previously been read, was again taken up for consideration:

HB 1053. By Representative Taylor of the 173rd:

A BILL to be entitled an Act to amend an Act creating a new board of education of Grady County, approved March 5, 1968 (Ga. L. 1968, p. 2120), as amended, so as to provide that members of the board of education shall be elected on a nonpartisan basis; to provide for continuation in office of current members of the board; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abrams	N Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Harrell	N Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	N Hawkins	Y Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	Smyre
Barr	Y Deffenbaugh	N Hightower	N Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	N Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
N Bennett, T	Dollar	N Howard	E Peake	N Stover
Y Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	N Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	N Jasperse	Y Pirkle	Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
N Brockway	Y Ealum	N Jones, S	N Prince	E Teasley
N Bruce	Y Efstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Ehrhart	N Kaiser	N Quick	N Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Fleming	Y Kirby	N Randall	Y Watson
N Cannon	N Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	N Frazier	Y Lott	Rice	Y Werkheiser

Y Carter, A	N Frye	Y Lumsden	N Rogers, C	Y Wilkerson
N Carter, D	Y Gardner	N Mabra	Y Rogers, T	Y Wilkinson
N Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Rynders	N Williams, A
Y Cheokas	Y Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	N Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 105, nays 56.

The Bill, having received the requisite constitutional majority, was passed.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 285. By Representatives Stephens of the 164th and England of the 116th:

A BILL to be entitled an Act to amend Code Section 48-7-40.26 of the Official Code of Georgia Annotated, relating to an income tax credit for film, video, or digital production in Georgia, so as to change certain qualifications for such credit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from state income taxation, so as to provide for an additional entertainment tax credit for certain entities and to change certain qualifications for such a credit; to provide for procedures, conditions, and limitations; to provide for definitions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from state income taxation, is amended by adding a new Code section to read as follows:

"48-7-40.26A.

(a) This Code section shall be known and may be cited as the 'Georgia Small Entertainment Industry Investment Act.'

(b) As used in this Code section, the term:

(1) 'Affiliates' means those entities that are included in the qualified production company's affiliated group as defined in Section 1504(a) of the Internal Revenue Code and all other entities that are directly or indirectly owned 50 percent or more by members of the affiliated group.

(2) 'Base investment' means the aggregate funds actually invested and expended by a qualified production company as production expenditures incurred in this state that are directly used in a state certified production or productions.

(3) 'Multimarket commercial distribution' means paid commercial distribution which extends to markets outside the State of Georgia.

(4) 'Production company' means a company primarily engaged in qualified production activities which have been approved by the Department of Economic Development. This term shall not mean or include any form of business owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on any tax obligation of the state, or a loan made by the state or a loan guaranteed by the state.

(5) 'Production expenditures' means preproduction, production, and postproduction expenditures incurred in this state that are directly used in a qualified production activity, including without limitation the following: set construction and operation; wardrobes, make-up, accessories, and related services; costs associated with photography and sound synchronization, expenditures excluding license fees incurred with Georgia companies for sound recordings and musical compositions, lighting, and related services and materials; editing and related services; rental of facilities and equipment; leasing of vehicles; costs of food and lodging; digital or tape editing, film processing, transfers of film to tape or digital format, sound mixing, computer graphics services, special effects services, and animation services; total aggregate payroll; airfare, if purchased through a Georgia travel agency or travel company; insurance costs and bonding, if purchased through a Georgia insurance agency; and other direct costs of producing the project in accordance with generally accepted entertainment industry practices. This term shall not include marketing, story rights, or distribution, but shall not affect other qualified story rights. This term includes payments to a loan-out company by a qualified production company that has met its withholding tax obligations as set out below. The qualified production company shall withhold Georgia income tax at the rate of 6 percent on all payments to loan-out companies for services performed in Georgia. Any amounts so withheld shall be deemed to have been withheld by the loan-out company on wages paid to its employees for services performed in Georgia pursuant to Article 5 of Chapter 7 of this title notwithstanding the exclusion provided in subparagraph (K) of paragraph (10) of Code Section 48-7-100. The amounts so withheld shall be allocated to the loan-out company's employees based on the payments made to the loan-out company's employees for services performed in Georgia. For purposes of this chapter, loan-out

company nonresident employees performing services in Georgia shall be considered taxable nonresidents and the loan-out company shall be subject to income taxation in the taxable year in which the loan-out company's employees perform services in Georgia, notwithstanding any other provisions in this chapter. Such withholding liability shall be subject to penalties and interest in the same manner as the employee withholding taxes imposed by Article 5 of Chapter 7 of this title and the commissioner shall provide by regulation the manner in which such liability shall be assessed and collected.

(6) 'Qualified Georgia promotion' means a qualified promotion of this state approved by the Department of Economic Development consisting of a:

(A) Qualified movie production which includes a five-second long static or animated logo that promotes Georgia in the end credits before the below-the-line crew crawl for the life of the project and which includes a link to Georgia on the project's web page;

(B) Qualified TV production which includes an embedded five-second long Georgia promotion during each broadcast worldwide for the life of the project and which includes a link to Georgia on the project's web page; or

(C) Qualified music video which includes the Georgia logo at the end of each video and within online promotions.

(7) 'Qualified production activities' means the production of new film, video, or digital projects produced in this state and approved by the Department of Economic Development, including only the following: feature films, series, pilots, movies for television, televised commercial advertisements, music videos, sound recording projects used in feature films, series, pilots, or movies for television. Such activities shall include projects recorded in this state, in whole or in part, in either short or long form, animation and music, fixed on a delivery system which includes without limitation film, videotape, computer disc, laser disc, and any element of the digital domain, from which the program is viewed or reproduced, and which is intended for multimarket commercial distribution via theaters, video on demand, direct to DVD, licensing for exhibition by individual television stations, groups of stations, networks, advertiser supported sites, cable television stations, or public broadcasting stations. Such term shall not include the coverage of news and athletic events, local interest programming, instructional videos, corporate videos, or projects not originally created in Georgia.

(8) 'Resident' means an individual as designated pursuant to paragraph (10) of Code Section 48-7-1, as amended.

(9) 'State certified production' means a production engaged in qualified production activities which have been approved by the Department of Economic Development in accordance with regulations promulgated pursuant to this Code section. In the instance of a 'work for hire' in which one qualified production company hires another qualified production company to produce a project or contribute elements of a project for pay, the hired company shall be considered a service provider for the hiring

company, and the hiring company shall be entitled to the tax credit under this Code section.

(10) 'Total aggregate payroll' means the total sum expended by a qualified production company on salaries paid to employees working within this state in a state certified production or productions. For purposes of this paragraph:

(A) With respect to a single employee, the portion of any salary which exceeds \$80,000.00 for a single production shall not be included when calculating total aggregate payroll; and

(B) All payments to a single employee and any legal entity in which the employee has any direct or indirect ownership interest shall be considered as having been paid to the employee and shall be aggregated regardless of the means of payment or distribution.

(c) For any qualified production company and its affiliates that invest in a state certified production approved by the Department of Economic Development, there shall be allowed an income tax credit against the tax imposed under this article. The tax credit under this subsection shall be allowed if the base investment in this state equals or is less than \$500,000.00 for qualified production activities and shall be calculated as follows:

(1) The qualified production company shall be allowed a tax credit equal to 20 percent of the base investment in this state; and

(2)(A) The qualified production company shall be allowed an additional tax credit equal to 10 percent of such base investment if the qualified production activity includes a qualified Georgia promotion. In lieu of the inclusion of the Georgia promotional logo, the qualified production company may offer alternative marketing opportunities to be evaluated by the Department of Economic Development to ensure that they offer equal or greater promotional value to the State of Georgia.

(B) The Department of Economic Development shall prepare an annual report detailing the marketing opportunities it has approved under the provisions of subparagraph (A) of this paragraph. The report shall include, but not be limited to:

(i) The goals and strategy behind each marketing opportunity approved pursuant to the provisions of subparagraph (A) of this paragraph;

(ii) The names of all qualified production companies approved by the Department of Economic Development to provide alternative marketing opportunities;

(iii) The estimated value to the state of each approved alternative marketing opportunity compared to the estimated value of the Georgia promotional logo; and

(iv) The names of all qualified production companies who chose to include the Georgia promotional logo in their final production instead of offering the state an alternative marketing proposal.

The report required under this subparagraph shall be completed no later than January 1 of each year and presented to each member of the House Committee on Ways and Means, the Senate Finance Committee, the Senate Economic Development Committee, the House Committee on Economic Development and Tourism, and the Governor.

(d)(1) In no event shall the aggregate amount of tax credits allowed under this Code section for qualified production companies and affiliates exceed \$6 million for any single taxable year. The maximum credit for any single qualified production company and its affiliates shall be \$150,000.00 for any taxable year. When the \$6 million cap is reached, the tax credit for qualified production companies shall expire for such taxable years.

(2) Qualified production companies seeking to claim a tax credit under the provisions of this Code section shall submit an application to the commissioner for preapproval of such tax credit. The commissioner shall be authorized to promulgate any rules and regulations and forms necessary to implement and administer the provisions of this Code section. The commissioner shall preapprove the tax credits based on the order in which properly completed applications were submitted. In the event that two or more applications were submitted on the same day and the amount of funds available will not be sufficient to fully fund the tax credits requested, the commissioner shall prorate the available funds between or among the applicants.

(3) Before the Department of Economic Development issues its approval to the qualified production company for the qualified production activities, the qualified production company must certify to the department that it maintains a business location physically located in this state.

(e)(1) Where the amount of such credit or credits exceeds the qualified production company's liability for such taxes in a taxable year, the excess may be taken as a credit against such qualified production company's quarterly or monthly payment under Code Section 48-7-103. Each employee whose employer receives credit against such qualified production company's quarterly or monthly payment under Code Section 48-7-103 shall receive credit against his or her income tax liability under Code Section 48-7-20 for the corresponding taxable year for the full amount which would be credited against such liability prior to the application of the credit provided for in this subsection. Credits against quarterly or monthly payments under Code Section 48-7-103 and credits against liability under Code Section 48-7-20 established by this subsection shall not constitute income to the qualified production company.

(2) If a qualified production company and its affiliates claim the credit authorized under Code Section 48-7-40, 48-7-40.1, 48-7-40.17, 48-7-40.18, or 48-7-40.26, then the qualified production company and its affiliates will only be allowed to claim the credit authorized under this Code section to the extent that the Georgia resident employees included in the credit calculation authorized under this Code section and taken by the qualified production company and its affiliates on such tax return under this Code section have been permanently excluded from the credit authorized under Code Section 48-7-40, 48-7-40.1, 48-7-40.17, 48-7-40.18, or 48-7-40.26.

(f) Any tax credits with respect to a state certified production earned by a qualified production company and previously claimed but not used by such qualified production company against its income tax may be transferred or sold in whole or in part by such

qualified production company to another Georgia taxpayer, subject to the following conditions:

- (1) Such qualified production company may make only a single transfer or sale of tax credits earned in a taxable year; however, the transfer or sale may involve one or more transferees;
 - (2) Such qualified production company shall submit to the Department of Economic Development and to the Department of Revenue a written notification of any transfer or sale of tax credits within 30 days after the transfer or sale of such tax credits. The notification shall include such qualified production company's tax credit balance prior to transfer, the credit certificate number, the remaining balance after transfer, all tax identification numbers for each transferee, the date of transfer, the amount transferred, and any other information required by the Department of Economic Development or the Department of Revenue;
 - (3) Failure to comply with this subsection shall result in the disallowance of the tax credit until the qualified production company is in full compliance;
 - (4) The transfer or sale of this tax credit does not extend the time in which such tax credit can be used. The carry-forward period for tax credit that is transferred or sold shall begin on the date on which the tax credit was originally earned;
 - (5) A transferee shall have only such rights to claim and use the tax credit that were available to such qualified production company at the time of the transfer, except for the use of the credit in paragraph (1) of subsection (e) of this Code section. To the extent that such qualified production company did not have rights to claim or use the tax credit at the time of the transfer, the Department of Revenue shall either disallow the tax credit claimed by the transferee or recapture the tax credit from the transferee. The transferee's recourse is against such qualified production company; and
 - (6) The transferee must acquire the tax credits in this Code section for a minimum of 60 percent of the amount of the tax credits so transferred.
- (g) The credit granted under this Code section shall be subject to the following conditions and limitations:
- (1) The credit may be taken beginning with the taxable year in which the qualified production company has met the investment requirement. For each year in which such qualified production company either claims or transfers the credit, the qualified production company shall attach a schedule to the qualified production company's Georgia income tax return which will set forth the following information, as a minimum:
 - (A) A description of the qualified production activities, along with the certification from the Department of Economic Development;
 - (B) A detailed listing of the employee names, social security numbers, and Georgia wages when salaries are included in the base investment;
 - (C) The amount of tax credit claimed for the taxable year;
 - (D) Any tax credit previously taken by the qualified production company against Georgia income tax liabilities or the qualified production company's quarterly or monthly payments under Code Section 48-7-103;

- (E) The amount of tax credit carried over from prior years;
- (F) The amount of tax credit utilized by the qualified production company in the current taxable year; and
- (G) The amount of tax credit to be carried over to subsequent tax years;
- (2) In the initial year in which the qualified production company claims the credit granted in this Code section, the qualified production company shall include in the description of the qualified production activities required by subparagraph (A) of paragraph (1) of this subsection information which demonstrates that the activities included in the base investment or excess base investment are equal to or less than \$500,000.00 during such year; and
- (3) In no event shall the amount of the tax credit under this Code section for a taxable year exceed the qualified production company's income tax liability. Any unused credit amount shall be allowed to be carried forward for five years from the close of the taxable year in which the investment occurred. No such credit shall be allowed the qualified production company against prior years' tax liability.
- (h) The Department of Economic Development shall determine through the promulgation of rules and regulations what projects qualify for the tax credits authorized under this Code section. Certification shall be submitted to the state revenue commissioner.
- (i) The state revenue commissioner shall promulgate such rules and regulations as are necessary to implement and administer this Code section.
- (j) Any qualified production company claiming, transferring, or selling the tax credit shall be required to reimburse the Department of Revenue for any department initiated audits relating to the tax credit. This subsection shall not apply to routine tax audits of a taxpayer which may include the review of the credit provided in this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and be applicable to tax years beginning on or after January 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representatives Carson of the 46th and Dudgeon of the 25th were excused from voting on HB 285.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Dudgeon	Y Jasperse	Y Pirkle	Tanner
Y Beverly	Y Dukes	Y Jones, J	Powell, A	N Tarvin
Y Blackmon	Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstraction	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Carson	Y Frazier	Y Lott	Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Marin	Y Rutledge	Y Willard
Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 4.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

House of Representatives
Coverdell Office Building, Room 509-A
Atlanta, Georgia 30334

2-29-2016

HB 285 – I would have voted yea!

/s/ Sharon Beasley-Teague 65th

HB 1037. By Representatives Clark of the 101st, Cooper of the 43rd, Taylor of the 173rd, Efstration of the 104th, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, so as to expand the certified nurse aide registry to nurse aides who provide services in private residences; to provide for inquiries and complaints; to provide that the registry be easily located on the department's website; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 170, nays 2.

The Bill, having received the requisite constitutional majority, was passed.

HB 957. By Representatives Abrams of the 89th, Deffenbaugh of the 1st, Bentley of the 139th and Sharper of the 177th:

A BILL to be entitled an Act to amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to cost and compensation regarding the probate courts, so as to require that the judges and clerks of the probate courts publicly post notice of the availability of the affidavit of indigence; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to cost and compensation regarding the probate courts, so as to require that the probate court publicly post a notice of the availability of the affidavit of indigence; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to cost and compensation regarding the probate courts, is amended by revising Code Section 15-9-61, relating to payment of fees prerequisite to filing, as follows:

"15-9-61.

(a) The judges of probate courts shall not be required to file any proceedings until the deposit specified in Code Section 15-9-60, relating to court costs of probate courts, has been deposited with the probate judge on account of cost, provided that the deposit shall not be required if the party desiring to file the proceeding is unable because of his or her indigence to pay the deposit and the party files with the probate court an affidavit to that effect. If the proceeding is dismissed or withdrawn or if the total cost incurred in the proceeding is less than the deposit required by Code Section 15-9-60, any of the sum remaining in the hands of the judge of the probate court shall be repaid. The deposit required to be filed by this Code section shall not affect any Code section or Act of the General Assembly which requires a deposit in excess or in addition to the deposit of cost required by this Code section. Nothing contained in this Code section shall be

deemed to require the deposit of cost by the state, its agencies, or its political subdivisions.

(b) The probate court shall have a public notice visibly posted advertising the availability of the affidavit of indigence as provided for under subsection (a) of this Code section:

(1) Wherever fees as provided for under Code Section 15-9-60 are collected; and

(2) On any website owned or operated for the official business of court, if such website exists."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Maxwell	Y Scott	Y Williams, C

Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Bill of the House, having previously been read, was again taken up for consideration:

HB 381. By Representatives Welch of the 110th, Willard of the 51st, Jacobs of the 80th, Atwood of the 179th and Strickland of the 111th:

A BILL to be entitled an Act to amend Title 45 of the O.C.G.A., relating to public officers and employees, so as to repeal Chapter 17, relating to notaries public, and enact the "Revised Georgia Law on Notarial Acts of 2015"; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to revise cross-references; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED AN ACT

To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to repeal Chapter 17, relating to notaries public, and enact the "Revised Georgia Law on Notarial Acts of 2017"; to provide for definitions; to provide for applicability; to provide for the authority to perform a notarial act; to provide for requirements for certain notarial acts; to provide appearances and identification of individuals seeking notarization; to provide for refusal to notarize; to provide for signatures when a person is physically unable to sign a record; to provide for notarial acts performed in this state, in other states, and under authority of federally recognized Indian tribes and federal authority; to provide for foreign notarial acts; to provide for certificate of notarial act; to provide for forms; to provide for the power to commission a notary public; to provide for qualifications, examination, and commission for a notary public; to provide for the contents of an official seal; to provide for a journal; to provide for electronic records; to provide for an examination and course of study; to provide for denial, revocation, and suspension of a notary public's commission; to provide for a data base of notaries public; to provide for prohibited acts; to provide for fees; to provide for

change of residence, address, or name of a notary public; to provide for validity of notarial acts; to provide for rules or regulations; to provide for application, construction, savings clause, interaction with federal law, and penalties; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to revise cross-references; to provide for a short title; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Revised Georgia Law on Notarial Acts of 2017."

SECTION 2.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by repealing in its entirety Chapter 17, relating to notaries public, and enacting a new Chapter 17 to read as follows:

"CHAPTER 17

45-17-1.

As used in this chapter, the term:

(1) 'Acknowledgment' means a declaration by an individual that the individual has signed for the purpose stated in the record and, if signed in a representative capacity, that the individual signed with proper authority and as the act of the individual or entity identified.

(2) 'Attesting' or 'attestation' means bearing witness to a signature or execution of a record.

(3) 'Electronic' means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) 'Electronic signature' means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign.

(5) 'In a representative capacity' means acting as:

(A) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(B) A public officer, personal representative, guardian, or other representative in the capacity stated;

(C) An agent or attorney-in-fact for a principal; or

(D) An authorized representative of another in any other capacity.

(6) 'Notarial act' means, pertaining to a record:

(A) Attesting a signature;

(B) Taking an acknowledgment;

(C) Administering an oath or affirmation which is not required by law to be administered by a particular officer;

(D) Taking a verification on oath or affirmation;

(E) Certifying or attesting a copy as authorized; or

(F) Noting a protest of a negotiable instrument.

(7) 'Notarial officer' means a notary public or other individual authorized by law to perform a notarial act.

(8) 'Person' means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(9) 'Public record' means any document, whether in a tangible or electronic format, on file with a government entity and open to public inspection.

(10) 'Record' means information that is inscribed or that is stored and is retrievable in perceivable form.

(11) 'Sign' means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate an electronic symbol, sound, or process.

(12) 'Signature' means a tangible symbol or an electronic signature that evidences signing.

(13) 'Verification on oath or affirmation' means a declaration, made by an individual on oath or affirmation, that a statement in a record is true.

45-17-2.

This chapter shall apply to a notarial act performed on or after July 1, 2017.

45-17-3.

(a) A notarial officer shall not perform a notarial act when such officer or his or her spouse is a party to the record being notarized or in which either such officer or his or her spouse expressly receives or could receive anything of value. A notarial act performed in violation of this subsection shall be void ab initio.

(b) A notarial officer shall have authority to:

(1) Perform a notarial act;

(2) Witness affidavits upon oath or affirmation;

(3) Make certified copies, provided that the document presented for copying is an original document and is neither a public record nor a publicly recorded document; and

(4) Perform such other acts as authorized by other laws of this state.

45-17-4.

(a) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the

individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is that of the individual.

(b) A notarial officer who takes a verification on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification on oath or affirmation has the identity claimed and that the signature is that of the individual.

(c) A notarial officer who attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in subsection (b) of Code Section 11-3-505.

45-17-5.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

45-17-6.

(a) A notarial officer shall be deemed to have personal knowledge of the identity of an individual appearing before such officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) A notarial officer shall be deemed to have satisfactory evidence of the identity of an individual appearing before such officer if the officer can identify the individual by means of inspecting:

(1) A current passport, driver's license, or other government issued identification card; or

(2) Another form of government identification issued to an individual that is current, contains the signature and photograph of the individual, and is satisfactory to the officer.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

45-17-7.

(a) A notarial officer may refuse to perform a notarial act if the officer knows or suspects the transaction is illegal, false, or deceptive or such officer is not satisfied that:

(1) The individual executing the record is competent;

(2) The individual executing the record has the capacity to execute the record; or

(3) The individual's signature is knowingly and voluntarily made.

(b) A notarial officer may refuse to perform a notarial act.

45-17-8.

If an individual is physically unable to sign, the individual may direct an individual other than the notarial officer to sign the individual's name so long as all parties appear personally before the notarial officer. The notarial officer shall insert 'Signature affixed by (name of other individual) at the direction of (name of individual)' or words of similar import.

45-17-9.

(a) A notarial act may be performed in any county in this state by:

(1) A notary public of this state; or

(2) Any other individual authorized by the laws of this state to perform the notarial act.

(b) The signature and title of an individual performing a notarial act in this state shall be prima-facie evidence that his or her signature is genuine and that the individual holds the designated title.

(c) The signature and title of an individual described in subsection (a) of this Code section shall be prima-facie evidence of the authority of such individual to perform the notarial act.

45-17-10.

(a) As used in this Code section, the term 'another state' means a state of the United States other than Georgia, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(b) A notarial act performed in another state shall have the same effect under the laws of this state as though performed by a notarial officer of this state if the laws of another state are substantially similar to the laws of this state and the act performed in another state is performed by:

(1) A notary public of another state; or

(2) Any other individual authorized by the law of another state to perform a notarial act.

(c) The signature and title of an individual performing a notarial act in another state shall be prima-facie evidence that his or her signature is genuine and that the individual holds the designated title.

(d) The signature and title of an individual described in subsection (b) of this Code section shall be prima-facie evidence of the authority of such individual to perform the notarial act.

45-17-11.

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe shall have the same effect under the laws of this state as though performed by a notarial officer of this state if the laws of the federally recognized

Indian tribe are substantially similar to the laws of this state and the act performed in the jurisdiction of the tribe is performed by:

(1) A notary public of the tribe; or

(2) Any other individual authorized by the law of the tribe to perform a notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe shall be prima-facie evidence that his or her signature is genuine and that the individual holds the designated title.

(c) The signature and title of an individual described in subsection (a) of this Code section shall be prima-facie evidence of the authority of such individual to perform the notarial act.

45-17-12.

(a) A notarial act performed under federal law shall have the same effect under the laws of this state as though performed by a notarial officer of this state if the act performed under federal law is performed by:

(1) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(2) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(3) Any other individual authorized by federal law to perform a notarial act.

(b) The signature and title of an individual performing a notarial act under federal authority shall be prima-facie evidence that his or her signature is genuine and that the individual holds the designated title.

(c) The signature and title of an individual described in subsection (a) of this Code section shall be prima-facie evidence of the authority of such individual to perform the notarial act.

45-17-13.

(a) As used in this Code section, the term 'foreign state' means a government other than the United States, a federally recognized Indian tribe, this state, or another state as such term is defined in Code Section 45-17-10. Such term shall not mean the government of Iran, Sudan, or Syria.

(b) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of a foreign state or is performed under the authority of a multinational or international governmental organization, such act shall have the same effect under the laws of this state as though performed by a notarial officer of this state.

(c) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for such information, the authority of an officer with that title to perform notarial acts shall be prima-facie evidence of his or her title and authority to perform notarial acts in a foreign state.

(d) The signature and official seal of an individual holding an office described in subsection (c) of this Code section shall be prima-facie evidence that his or her signature is genuine and the individual holds the designated title.

(e) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the convention shall conclusively establish that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(f) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record on which the notarial act is performed shall conclusively establish that his or her signature is genuine and that the officer holds the indicated office.

45-17-14.

(a) A notarial act shall be evidenced by a certificate. The certificate shall:

(1) Be executed contemporaneously with the performance of a notarial act;

(2) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as is on file with the clerk of superior court who issued the notary public's commission;

(3) Identify the jurisdiction in which the notarial act is performed;

(4) Contain the title of office of the notarial officer; and

(5) If the notarial officer is a notary public, indicate the date of expiration of the notary public's commission and identify the notarial act performed.

(b) If a notarial act regarding a tangible record is performed by a notary public, the notary public's official seal shall be affixed to the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in paragraphs (2) through (4) of subsection (a) of this Code section, the notarial officer's official seal may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in paragraphs (2) through (4) of subsection (a) of this Code section, the notarial officer's official seal may be attached to or logically associated with the certificate.

(c) A certificate of a notarial act shall be sufficient if it meets the requirements of subsections (a) and (b) of this Code section and:

(1) Is in a short form set forth in Code Section 45-17-15;

(2) Is in a form otherwise permitted by the laws of this state;

(3) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) Sets forth the actions of the notarial officer and his or her actions are sufficient to meet the requirements provided in Code Sections 45-17-3 through 45-17-6.

(d) By executing a certificate of a notarial act, a notarial officer certifies that he or she has complied with the requirements and made the determinations specified in Code Sections 45-17-3 through 45-17-6.

(e) A notarial officer shall not affix his or her signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate shall be made a part of, or securely attached to, such record. If a notarial act is performed regarding an electronic record, a certificate shall be affixed to, or logically associated with, the electronic record and shall conform to any rules or regulations established pursuant to Code Section 45-17-30.

(g) The signature of a notarial officer certifying a notarial act shall not be evidence to show that such notarial officer had knowledge of the contents of the record so signed, other than those specific contents which constitute the signature, execution, acknowledgment, oath, affirmation, affidavit, verification, or other act which the signature of that notarial officer chronicles, nor shall a certification by a notarial officer that a record is a certified or true copy of an original document be evidence to show that such notarial officer had knowledge of the contents of the record so certified.

45-17-15.

The following short form certificates of notarial acts shall be sufficient for the purposes indicated, if completed with the information required by subsections (a) and (b) of Code Section 45-17-14:

(1) For an acknowledgment in an individual capacity:

State of _____
County of _____

This record was acknowledged before me on (date) by (name(s) of individual(s)).

Signature of notarial officer

Seal

Title of office

My commission expires: _____

(2) For an acknowledgment in a representative capacity:

State of _____
County of _____

This record was acknowledged before me on (date) by (name(s) of individual(s)) as (title) of (name of party on behalf of whom record was executed).

Signature of notarial officer

Seal

Title of office

My commission expires: _____

(3) For a verification on oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individual(s) making statement).

Signature of notarial officer

Seal

Title of office

My commission expires: _____

(4) For witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on (date) by (name(s) of individual(s)) _____.

Signature of notarial officer

Seal

Title of office

My commission expires: _____

(5) For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of _____.

Dated _____

Signature of notarial officer

Seal

Title of office

My commission expires: _____

45-17-16.

The clerks of the superior court shall have the power to issue a commission to a notary public.

45-17-17.

(a) An applicant for a commission as a notary public shall:

(1) Be at least 18 years old;

(2) Be a citizen of the United States;

(3) Except as provided in subsection (c) of this Code section, be a legal resident of the county from which such individual is appointed;

(4) Have, and provide at the time of the application, the applicant's operating telephone number;

(5) Be able to read and write the English language;

(6) Have passed the examination required by Code Section 45-17-22;

(7) Submit at least one set of classifiable electronically recorded fingerprints to the sheriff of the county where the applicant resides. Such sheriff shall submit such fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and promptly conduct a search of state records based upon the fingerprints, and return such report to the clerk of superior court. The sheriff shall collect the applicable fee charged by the Georgia Crime Information Center; and

(8) Not have been convicted of any felony or of any crime involving fraud, dishonesty, or deceit in the courts of this state or another state. As used in this paragraph, the term 'another state' shall have the same meaning as set forth in Code Section 45-17-10; the term 'felony' shall mean any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and the term 'conviction' shall mean a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought.

(b) An individual qualified under subsection (a) of this Code section may apply to the clerk of superior court for a commission as a notary public. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation,

the clerk of superior court shall determine whether the applicant may be commissioned or a renewal shall be issued. The clerk of superior court shall shred such report within five days of completing his or her review of such report. The applicant shall comply with and provide the information required by rules or regulations established pursuant to Code Section 45-17-30 and pay the application fee set forth in Code Section 15-6-77 or 15-6-77.3, as applicable.

(c)(1) Any individual who is a resident of Alabama, Florida, North Carolina, South Carolina, or Tennessee may be commissioned as a notary public by the clerk of the superior court of the county in which the individual carries on such business, profession, or employment so long as he or she meets all of the requirements of this subsection and he or she:

(A) Carries on a business or profession in the State of Georgia; or

(B) Is regularly employed in this state.

(2) The nonresident applicant described in paragraph (1) of this subsection shall submit the application, endorsements, and declaration of applicant required by subsection (f) of this Code section to the clerk of superior court in the county in which such individual carries on his or her business, profession, or employment. The clerk of superior court shall approve or deny such application based on the provisions of this Code section. Upon approval and payment of the fee set forth in Code Section 15-6-77 or 15-6-77.3, as applicable, the applicant shall be commissioned as a notary public of this state and shall be authorized to perform all of the duties and exercise all of the powers and authorities relating to notaries public who are residents of this state.

(d) Any individual desiring to be a notary public shall submit an application to the clerk of superior court of the county in which the individual resides or, when applying under the provisions of subsection (c) of this Code section, to the clerk of superior court of the county in which the individual carries on a business, profession, or employment. Except for applicants applying under the provisions of subsection (c) of this Code section, the applicant shall submit proof to the clerk of superior court that he or she resides in the county in which he or she is applying. Such proof shall consist of one of the following:

(1) An unexpired Georgia driver's license;

(2) An unexpired United States passport;

(3) An unexpired voter identification card; or

(4) Such other unexpired identification issued by a local or state government or by the United States government.

(e) The applicant shall sign and swear or affirm as outlined in subsection (g) of this Code section to the truthfulness of the application which shall state:

(1) That the applicant resides or carries on a business, profession, or employment in the county of application and the address of the residence or business. The applicant shall use his or her residential address for purposes of the application and shall only use a business address for the application if the applicant is applying pursuant to the provisions of subsection (c) of this Code section;

(2) That the applicant is at least 18 years old;

- (3) That the applicant is a citizen of the United States;
- (4) That the applicant can read and write the English language;
- (5) That the applicant has an operating telephone number; and
- (6) All denials, revocations, suspensions, restrictions, or resignations of a notary public commission held by the applicant.
- (f) A declaration of an applicant shall be signed in the presence of a notarial officer. The declaration shall be in the following form:

'I, _____ (name of applicant) _____, do solemnly swear or affirm under penalty of perjury that the personal information I have written in this application is true, complete, and correct.

(Signature of applicant)

State of _____
County of _____

On this day of _____, before me appeared _____, the person who signed the preceding declaration in my presence and who swore or affirmed that (he/she) understood the document and freely declared it to be truthful.

(Signature of the notarial officer)

(Seal of the notarial officer)

- (g) Before issuance of a commission as a notary public, an applicant for the commission shall take and subscribe before the clerk of the superior court the following oath, which shall be entered on the superior court minutes:

'I, _____ (name of applicant) _____, do solemnly swear or affirm that I will well and truly perform the duties of a notary public to the best of my ability; and I further swear or affirm that I am not the holder of any public money belonging to this state and unaccounted for, so help me God.'

- (h) Upon compliance with this Code section, the clerk of superior court shall issue a commission as a notary public to an applicant for a term of four years.
- (i) A commission to act as a notary public shall authorize the notary public to perform notarial acts. A commission shall not provide the notary public with any immunity or benefit conferred by the laws of this state on public officials or employees.

45-17-18.

- (a) A notary public's official seal may be circular but shall not be more than two inches in diameter or may be rectangular but shall not be more than one inch in width by two and one-half inches in length. The official seal of a notary public shall:

- (1) Have for its impression the notary public's name as commissioned, the words 'Notary Public,' the words 'State of Georgia,' the county name of appointment, the commission expiration date, and the unique number assigned to the notary public and issued by the clerk of superior court or his or her designee;
- (2) Be photographically reproducible with the record to which it is affixed or attached or with which it is logically associated, and the impression shall be made in a manner that ensures a clear, legible, and sufficiently dark image when photocopied or scanned;
- (3) Not contain any words, numbers, or symbols other than those referenced in paragraph (1) of this subsection; and
- (4) Be surrounded by a border except as otherwise permitted by the rules or regulations of the Georgia Superior Court Clerks' Cooperative Authority.
- (b) A notary public shall be responsible for the security of his or her official seal and shall not allow another individual to use his or her official seal to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the official seal, if any, the notary public shall disable the official seal by destroying, defacing, damaging, erasing, or securing it in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, his or her personal representative or guardian or any other person knowingly in possession of such notary public's official seal shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.
- (c) If a notary public's official seal is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify the clerk of superior court and the Georgia Superior Court Clerks' Cooperative Authority within ten days of discovering that such official seal is lost or stolen.
- (d) A notary public's official seal is the property of the notary public only and shall not be retained or used by any other person including an employer of a notary public even if the employer purchased or paid for the notary public's official seal.
- (e) It shall be unlawful for any person to supply a notary public official seal to any individual unless the individual has presented a copy of the evidence of the commissioning of the individual as a notary public. It shall be unlawful for any individual to order or obtain a notary public official seal unless such individual is commissioned as a notary public.

45-17-19.

- (a) A notary public shall maintain a journal in which he or she shall chronicle all notarial acts regarding an electronic record which he or she performs, provided that on and after January 1, 2022, he or she shall chronicle all notarial acts which he or she performs. A notary public shall retain his or her journal for ten years after the performance of the last notarial act chronicled in such journal.
- (b) A journal may be created on a tangible medium or in an electronic format. A notary public shall maintain only one journal at a time to chronicle all notarial acts,

whether those notarial acts are performed regarding tangible or electronic records. If a journal is maintained on a tangible medium, it shall be a permanent, bound register with numbered pages. If a journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format that complies with the rules or regulations established pursuant to Code Section 45-17-30.

(c) A journal entry shall be made contemporaneously with performing the notarial act and contain the following information:

(1) The date and time of the notarial act and a description of the type of notarial act;

(2) A description of the tangible or electronic record being notarized;

(3) The full name and address of each individual for whom the notarial act is performed;

(4) If identity of the individual is based on personal knowledge, a statement to that effect;

(5) If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, including the date of issuance and expiration of the identification credential; and

(6) The fee, if any, charged by the notary public.

(d) Upon discovering that a notary public's journal is lost or stolen, the notary public shall promptly notify the clerk of superior court who issued his or her commission and the Georgia Superior Court Clerks' Cooperative Authority.

(e) When a notary public's commission is retired, suspended, or revoked, the notary public shall transmit his or her journal to the clerk of superior court who issued his or her commission or a repository approved by such clerk of superior court. The clerk of superior court shall retain such journals for ten years and thereafter may destroy such journals or may digitally copy each journal, in which case the original journals may be destroyed by such clerk of superior court and, in lieu thereof, the digital copy of each journal shall be retained for ten years.

(f) When a current or former notary public dies or is adjudicated incompetent, such notary public's personal representative or guardian or any other person knowingly in possession of such notary public's journal shall transmit it to the clerk of superior court who issued his or her commission or a repository approved by the clerk of superior court. The clerk of superior court shall retain such journals for ten years and thereafter may destroy such journals or may digitally copy each journal, in which case the original journals may be destroyed by such clerk of superior court and, in lieu thereof, the digital copy of each journal shall be retained for ten years.

45-17-20.

Before a notary public performs his or her initial notarial act for an electronic record, the notary public shall notify the Georgia Superior Court Clerks' Cooperative Authority that the notary public will be performing notarial acts for electronic records and shall identify the technology the notary public intends to use. If the technology conforms to the specific standards adopted by the Georgia Superior Court Clerks' Cooperative Authority, such authority shall approve the use of the technology. A person shall not

require a notary public to perform a notarial act for an electronic record with a technology that the notary public has not selected and the Georgia Superior Court Clerks' Cooperative Authority has not approved.

45-17-21.

Except for the report generated as provided under paragraph (7) of subsection (a) of Code Section 45-17-17, the information in the application for appointment and commissioning as a notary public and the journal retained by the clerk of superior court pursuant to subsection (e) or (f) of Code Section 45-17-19 shall be a matter of public record.

45-17-22.

(a) Not more than 30 days prior to a commission as a notary public or renewal being granted, an applicant shall be required to take and pass an examination based on a course of study described in subsection (b) of this Code section. The Georgia Superior Court Clerks' Cooperative Authority, or an entity approved by the Georgia Superior Court Clerks' Cooperative Authority, shall administer such examination.

(b) The Georgia Superior Court Clerks' Cooperative Authority, or an entity approved by the Georgia Superior Court Clerks' Cooperative Authority, shall regularly offer a course of study to individuals desiring to become a notary public in this state. The course of study shall include the laws, rules, regulations, procedures, and ethics relevant to notarial acts.

45-17-23.

(a) The clerk of superior court shall review an applicant's criminal background information and a notary public's criminal background information and may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as a notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(1) Failure to comply with this chapter;

(2) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the clerk of superior court;

(3) A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit;

(4) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

(5) Failure by the notary public to discharge any duty required of a notary public, whether required by this chapter, rules or regulations established pursuant to Code Section 45-17-30, or any federal or state law;

(6) Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have;

(7) Violation by the notary public of rules or regulations established pursuant to Code Section 45-17-30 regarding a notary public; and

(8) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state, as such term is defined in Code Section 45-17-10.

(b) Any applicant who is denied a notary public commission or renewal by the clerk of superior court shall upon demand be allowed a hearing and adjudication before the clerk of superior court with a right of de novo appeal to the superior court, such appeal to be determined by the court without the intervention of a jury.

(c) Any notary public whose notarial commission is revoked by the clerk of superior court shall upon demand be allowed a hearing and adjudication before the clerk of superior court with a right of de novo appeal to the superior court, such appeal to be determined by the court without the intervention of a jury.

(d) Whenever a clerk of superior court denies the issuance of a commission as a notary public, or refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, such clerk shall forward the name and identifying information regarding such action to the Georgia Superior Court Clerks' Cooperative Authority.

45-17-24.

(a) The Georgia Superior Court Clerks' Cooperative Authority shall maintain an electronic data base of notaries public:

(1) Through which a person may verify the authority of a notary public to perform notarial acts; and

(2) Which indicates whether a notary public has notified the clerk of superior court that the notary public will be performing notarial acts on electronic records.

(b) The Georgia Superior Court Clerks' Cooperative Authority shall keep a record for each notary public showing the notary public's name, address, signature, age, sex, and term of the commission and whether the notary public has been approved to perform notarial acts on electronic records.

45-17-25.

(a) A commission as a notary public shall not authorize an individual to:

(1) Assist persons in drafting legal documents, give legal advice, or otherwise practice law;

(2) Act as an immigration consultant or an expert on immigration matters;

(3) Represent an individual in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters;

(4) Receive compensation for performing any of the activities listed in this subsection; or

(5) Make certified copies of documents which are either a public record or a publicly recorded document.

(b) A notary public shall not engage in false or deceptive advertising.

(c) A notary public shall not execute a notarial certificate containing a statement known by the notary public to be false nor perform any action with an intent to deceive or defraud.

(d) A notary public, other than an attorney licensed to practice law in this state, shall not use the term 'notario' or 'notario publico.'

(e) A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal documents, give legal advice, or otherwise practice law.

(f) A notary public shall not withhold access to or possession of an original record provided by a person who seeks performance of a notarial act by the notary public.

(g) A notary public required to comply with the provisions of subsection (e) of this Code section shall prominently post at the notary public's place of business a schedule of fees established in Code Section 45-17-27. The fee schedule shall be written in English and in any other language in which the notary public's services were solicited and shall contain the notice required in subsection (e) of this Code section, unless the notice is otherwise prominently posted at the notary public's place of business.

(h) The Attorney General or prosecuting attorney may seek injunctive relief against any notary public who violates the provisions of this Code section. Nothing in this Code section shall diminish the authority of the State Bar of Georgia.

(i) A violation of subsection (d) or (e) of this Code section shall constitute a deceptive trade practice under Code Section 10-1-427 in addition to any other penalties provided by law.

(j) It shall be unlawful for a notary public to issue attachments or garnishments, to approve bonds for the purpose of issuing attachments or garnishments, or to issue a summons in a dispossessory case, but a notary public may attest an affidavit in an attachment, garnishment, or dispossessory action; provided, however, that no writ or summons in such matter shall issue without first having judicial approval as provided by law.

45-17-26.

The clerk of superior court shall send a copy of the certificate commissioning or recommissioning a notary public, under his or her seal of office, and remit \$2.00 of the fee collected pursuant to Code Section 15-6-77 or 15-6-77.3, as applicable, to the Georgia Superior Court Clerks' Cooperative Authority.

45-17-27.

(a) It shall be unlawful for a notary public to charge a fee greater than \$4.00 for each notarial act performed.

(b) A notary public may opt not to charge fees for notarial acts.

(c) Prior to performing a notarial act, a notary public shall inform the person requesting the notarial act of the fees permitted for each act.

(d) The authenticity of the official signature and term of commission of a notary public may be evidenced by:

(1) A certificate of authority from the clerk of superior court who issued the commission of the notary public or from the Georgia Superior Court Clerks' Cooperative Authority; or

(2) An apostille in the exact form prescribed by the Hague Convention of October 5, 1961, from the United States Secretary of State, provided that an apostille shall be obtained only from the Georgia Superior Court Clerks' Cooperative Authority on or after the thirtieth day following the designation, by the United States Department of State, of the Georgia Superior Court Clerks' Cooperative Authority as an authority in the United States competent to issue an apostille.

(e) The fee for a certificate of authority shall be \$4.00. The fee for an apostille shall be \$10.00.

(f) An apostille as specified by the Hague Convention of October 5, 1961, shall be attached to any document requiring authentication that is bound for a nation that has signed and ratified the Hague Convention.

45-17-28.

(a) When a notary public's telephone number, residence address, or business address, whichever address was used for the purpose of commissioning, has changed, within 30 days of such change such notary public shall notify, and verify by signature and official seal, the clerk of superior court who issued the commission to him or her and provide a copy of such notice to the Georgia Superior Court Clerks' Cooperative Authority. The notice shall contain both the old and new addresses or old and new telephone numbers, as applicable.

(b)(1) When a notary public's name has changed, within 30 days of such change such notary public shall notify, and verify by signature and official seal, the clerk of superior court who issued the commission to him or her and provide a copy of such notice to the Georgia Superior Court Clerks' Cooperative Authority. The notice shall contain both the old and new names and new signature.

(2) A notary public with a new name may begin to officially sign his or her new name on notarial certificates after:

(A) The notice described in paragraph (1) of this subsection has been received by the clerk of superior court;

(B) A confirmation of the notary public's name change has been received from the clerk of superior court; and

(C) A new official seal bearing the new name exactly as indicated in the confirmation has been obtained.

45-17-29.

Except as otherwise provided in subsection (a) of Code Section 45-17-3, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter shall not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter shall not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other

remedies based on a law of this state other than this chapter or law of the United States. This Code section shall not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

45-17-30.

(a) The Georgia Superior Court Clerks' Cooperative Authority shall adopt rules or regulations to implement this chapter. The rules or regulations shall establish the standards for the use of and the type of tamper-evident technology that shall be used to perform notarial acts for electronic records. Rules or regulations adopted regarding the performance of notarial acts for electronic records shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules or regulations may:

(1) Prescribe the manner of performing notarial acts regarding tangible and electronic records;

(2) Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;

(3) Include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

(4) Prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as a notary public;

(5) Include provisions to prevent fraud or mistake in the performance of notarial acts;

(6) Prescribe the specifications of a notary public's official seal as set forth in Code Section 45-17-18;

(7) Prescribe the acceptable format for a notary public's journal as set forth in Code Section 45-17-19 and determine how and when such journals may be inspected and who will perform such examinations;

(8) Provide for the administration of the examination and course of study set forth in Code Section 45-17-22;

(9) Prescribe fees for online training and testing of notaries public; and

(10) Prescribe advertisement criteria as set forth in Code Section 45-17-25.

(b) In adopting, amending, or repealing rules or regulations for notarial acts for electronic records, the Georgia Superior Court Clerks' Cooperative Authority shall consider, so far as is consistent with this chapter:

(1) The most recent standards regarding electronic records promulgated by national bodies such as the National Association of Secretaries of State;

(2) Standards, practices, and customs of other jurisdictions with substantially similar laws as Georgia; and

(3) The views of governmental officials and entities and other interested persons.

45-17-31.

A commission as a notary public in effect on July 1, 2017, shall continue until its date of expiration. With the exception of replacing an official seal prior to renewal, a notary public, in performing notarial acts after July 1, 2017, shall comply with this chapter.

45-17-32.

(a) This chapter shall not affect the validity or effect of a notarial act performed before July 1, 2017.

(b) No document executed prior to July 1, 2017, which would otherwise be eligible for recording in the real property records maintained by any clerk of superior court or constitute record notice or actual notice of any matter to any person shall be ineligible for recording or fail to constitute such notice because of noncompliance with the requirement that the document contain a notary public's official seal.

45-17-33.

(a) Any individual who violates subsection (e) of Code Section 45-17-18 or subsection (d) of Code Section 45-17-25 shall be guilty of a misdemeanor.

(b) Any individual who performs a notarial act without complying with the provisions of this chapter shall upon conviction for the first or second violation be guilty of a misdemeanor and upon conviction for a third or subsequent violation be guilty of a felony, punishable by imprisonment of not less than one nor more than five years, a fine not to exceed \$5,000.00, or both."

SECTION 3.

Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, is amended by revising subsection (c) and paragraph (9) of subsection (g) of Code Section 15-6-77, relating to fees, as follows:

"(c) In all counties in this state where the clerk of the superior court is paid or compensated on a salary basis, the fees provided for in this Code section shall be paid into the county treasury less and except such sums as are otherwise directed to be paid pursuant to Code Section 15-6-61 or 45-17-27 and such sums as are collected pursuant to Code ~~Section~~ Sections 36-15-9 and ~~Code Section~~ 15-6-77.4, which sums shall be remitted to such authorities as provided by law. Fees, sums, or other remuneration for the performance of duties provided for under the laws of the United States or regulations promulgated pursuant to such laws shall be as provided in such laws or regulations as personal compensation to the clerk of the superior court for the performance of such duties."

"(9) ~~Issuing certificate of appointment and reappointment commissions and recommissions~~ to notaries public, as provided by Code Section ~~45-17-4~~ 45-17-17.....

20.00"

SECTION 4.

Said article is further amended by revising paragraph (4) of subsection (c) of Code Section 15-6-77.3, relating to additional fees in counties with populations in unincorporated areas of 350,000 or more, as follows:

"(4) Issuing ~~certificate of appointment and reappointment~~ commissions and recommissions to notaries public, as provided by Code Section 45-
17-4 45-17-17..... 8.00"

SECTION 5.

For purposes of promulgating rules and regulations by the Georgia Superior Court Clerks' Cooperative Authority as provided in new Code Section 45-17-30, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. For all other purposes, this Act shall become effective on July 1, 2017.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The following amendments were read and adopted:

Representative Welch of the 110th et al. offer the following amendment:

Amend the House Committee on Judiciary substitute to HB 381 (LC 29 6955ERS) by replacing lines 80 and 81 with the following:

is a party to the record being notarized. A notarial act performed in violation

Representatives Willard of the 51st and Welch of the 110th offer the following amendment:

Amend the House Committee on Judiciary substitute to HB 381 (LC 29 6955ERS) by replacing lines 458 and 459 with the following:

acts regarding an electronic record which he or she performs. A

By replacing lines 511 and 512 with the following:

as a notary public shall be a matter of public record. The journal retained by the clerk of superior court pursuant to subsection (e) or (f) of Code Section 45-17-19 shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abrams	N Cooke	Y Harden	N Metze	N Smith, E
N Alexander	N Coomer	Y Harrell	N Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	Smyre
N Barr	Y Deffenbaugh	N Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	N Stephens, M
N Beasley-Teague	Y Dickerson	N Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	N Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	N Quick	Y Thomas, E
N Buckner	Y England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	N Evans	Y Kidd	Y Ramsey	N Waites
N Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
N Cannon	N Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	N Rogers, C	N Wilkerson
N Carter, D	Y Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
N Clark, H	N Gordon	Y McCall	N Sharper	N Williamson
Y Clark, V	N Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 108, nays 64.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 1043. By Representatives Kelley of the 16th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, so as to exempt activities conducted by a hospital or health system with respect to influenza vaccinations from certain requirements; to provide for

conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, so as to revise a provision relating to taking the case history of a vaccine recipient; to exempt activities conducted by a hospital or health system with respect to influenza vaccinations from certain requirements; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, is amended by revising paragraph (3) of subsection (d) and subsection (o) as follows:

"(3) Require the pharmacist or nurse to take ~~a complete~~ an appropriate case history and determine whether the patient has had a physical examination within the past year and shall not administer a vaccine to a patient with any condition for which such vaccine is contraindicated;"

"(o)(1) This Code section shall not apply to any activities conducted within a hospital, physician's office, nursing home, or other health care facility designated by the department or conducted within any other facility or entity owned, operated, or leased by a hospital.

(2) Except as otherwise provided in paragraph (1) of this subsection, any activities conducted by a hospital or health system for the administration of the influenza vaccine shall not be subject to paragraphs (5) through (9), (15), or (16) of subsection (d) of this Code section as long as the following conditions are met:

(A) A signed and dated consent form by which the vaccine recipient consents to the administration of the vaccine is obtained;

(B) If the vaccine recipient is a patient within the hospital or health system, the administration of the influenza shall be noted in such patient's health record maintained by the hospital or health system, including, but not limited to, the administering pharmacist's or nurse's name, address, telephone number, and professional license number; the name, dose, manufacturer, and lot number of the vaccine; and the date of administration and injection site;

(C) If the vaccine recipient is not a patient within the hospital or health system, a personal immunization card on card stock paper containing the vaccine recipient's

name, the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine, the injection site on the vaccine recipient, the date of the administration of the vaccine in legible writing or printed type in a format made available by the Department of Public Health, and written information developed by the Department of Public Health on the importance of having and periodically seeing a primary care physician shall be provided to the vaccine recipient; and

(D) If requested by the patient, the influenza vaccine shall be administered in an area or location with portable screening, at a minimum.

As used in this paragraph, the term 'health system' means (i) a parent corporation of one or more hospitals and any entity affiliated with such parent corporation through ownership, governance, membership, or other means; or (ii) a hospital and any entity affiliated with such hospital through ownership, governance, membership, or other means."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon

Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 173, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 725. By Representatives Cantrell of the 22nd, Spencer of the 180th, Ballinger of the 23rd, Weldon of the 3rd, Evans of the 42nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, so as to provide for greater confidentiality of child abuse records; to provide for and revise definitions; to change provisions relating to persons and agencies permitted access to records of child abuse; to provide for contents of a protective order; to provide for immunity for child advocacy centers in releasing child abuse records under certain circumstances; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, so as to provide for greater confidentiality of child abuse records; to provide for and revise definitions; to change provisions relating to persons and agencies permitted access to records of child abuse; to provide for contents of a protective order; to provide for immunity for child advocacy centers in releasing child abuse records under certain circumstances; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Child Abuse Records Protection Act."

SECTION 2.

Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, is amended by revising Code Section 49-5-40, relating to definitions for the article and confidentiality of records, as follows:

"49-5-40.

(a) As used in this article, the term:

(1) 'Abused' means subjected to child abuse.

(2) 'Child' means ~~any person~~ an individual under 18 years of age.

(3) 'Child abuse' means:

(A) Physical injury or death inflicted upon a child by a parent, guardian, legal custodian, or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent, guardian, legal custodian, or caretaker thereof;

(C) Sexual abuse of a child; ~~or~~

(D) Sexual exploitation of a child; or

(E) Emotional abuse of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be ~~an 'abused' child~~ abused.

(4) 'Child advocacy center' means an entity which is operated for the purposes of investigating known or suspected child abuse and treating a child or a family that is the subject of a report of child abuse and which:

(A) Has been created and supported through one or more intracommunity compacts between such center and:

(i) One or more law enforcement agencies within this state; any other state; the United States including its territories, possessions, and dominions; or a foreign nation;

(ii) The office of the district attorney, Attorney General, or United States Attorney;

(iii) A legally mandated public or private child protective agency within this state; any other state; the United States including its territories, possessions, and dominions; or a foreign nation;

(iv) A mental health board within this state; any other state; the United States including its territories, possessions, and dominions; or a foreign nation; or

(v) A community health service board within this state; any other state; the United States including its territories, possessions, and dominions; or a foreign nation;
and

(B) Has been approved by a protocol committee established under Chapter 15 of Title 19.

(5) 'Court' means a judge of any court of record or an administrative law judge of the Office of State Administrative Hearings.

(6) 'Emotional abuse' shall have the same meaning as set forth in Code Section 15-11-2.

(7) 'Legal custodian' shall have the same meaning as set forth in Code Section 15-11-2.

(4)(8) 'Near fatality' means an act that places a child in serious or critical condition as certified by a physician.

(9) 'Record' shall include documents, books, maps, drawings, computer based or generated information, data, data fields, digital images, photographs, video images, audio recordings, and video recordings.

(5)(10) 'Sexual abuse' means a person's an individual's employing, using, persuading, inducing, enticing, or coercing any ~~minor~~ child who is not that ~~person's~~ individual's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between ~~persons~~ individuals of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any ~~person~~ individual;

(E) Flagellation or torture by or upon a ~~person~~ an individual who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a ~~person~~ an individual who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any ~~person's~~ individual's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

~~'Sexual abuse' shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.~~

(6)(11) 'Sexual exploitation' means conduct by any ~~person~~ individual who allows, permits, encourages, or requires ~~that~~ any child to engage in:

(A) Trafficking of persons for labor or sexual servitude, in violation of Code Section 16-5-46;

(A)(B) Prostitution, as defined in violation of Code Section 16-6-9; or

(C) Obscene depiction of a minor, in violation of Code Section 16-11-40.1;

(D) Nude or sexually explicit electronic transmission, in violation of Code Section 16-11-90; or

- ~~(B)~~(E) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as ~~defined in violation of~~ Code Section 16-12-100.
- (b) Each and every record concerning reports of child abuse and child controlled substance or marijuana abuse which is in the custody of the department, ~~or other state or local agency, or child advocacy center~~ is declared to be confidential, and access thereto is prohibited except as provided in Code ~~Section~~ Sections 49-5-41 and ~~Code Section~~ 49-5-41.1.
- (c) Each and every record concerning child abuse or neglect which is received by the department from the child abuse and neglect registry of any other state shall not be disclosed or used outside the department for any other purpose other than conducting background checks to be used in foster care and adoptive placements."

SECTION 3.

Said article is further amended in Code Section 49-5-41, relating to persons and agencies permitted access to records, by revising subsections (a) and (f) and by adding a new subsection to read as follows:

"(a) Notwithstanding Code Section 49-5-40, the following persons or agencies shall have reasonable access to such records concerning reports of child abuse:

(1) Any federal, state, or local governmental entity, tribal entity, or any agency of any such entity, that has a need for information contained in such ~~reports~~ records in order to carry out its legal responsibilities to protect children from child abuse and neglect;

~~(2) A court, by subpoena, upon its finding that access to such records may be necessary for determination of an issue before such court; provided, however, that the court shall examine such record in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then before it and the record is otherwise admissible under the rules of evidence;~~

~~(3)~~(2) A grand jury by subpoena upon its determination that access to such records is necessary in the conduct of its official business;

~~(4)~~(3) A prosecuting attorney in this state or any other state or political subdivision thereof, or for the United States, ~~The district attorney of any judicial circuit in this state, a solicitor general, or any assistant district attorney or assistant solicitor general~~ who may seek such access in connection with official duty;

~~(5)~~(4) Any adult who makes a report of suspected child abuse as required by Code Section 19-7-5, but such access shall include only notification regarding the child concerning whom the report was made, shall disclose only whether the investigation by the department or governmental child protective agency of the reported abuse is ongoing or completed and, if completed, whether child abuse was confirmed or unconfirmed, and shall only be disclosed if requested by the person making the report;

~~(5.1)~~(A) As used in this paragraph, the term:

(i) ~~'Entity' means a child welfare agency providing protective services as designated by the department, or in the absence of such agency, a law enforcement agency or prosecuting attorney.~~

(ii) ~~'School' shall have the same meaning as set forth in Code Section 19-7-5.~~

(5)(A) Any entity that receives from a school employee a report of suspected child abuse as required by Code Section 19-7-5.

~~(B) Within 24 hours of a school employee making a report of suspected child abuse pursuant to Code Section 19-7-5, the entity that received~~ receiving such report, such entity shall acknowledge, in writing, the receipt of such report to the reporting individual. Within five days of completing the investigation of the suspected child abuse, such entity shall disclose, in writing, to the school counselor for the school such child was attending at the time of the reported child abuse, ~~advising as to~~ whether the suspected child abuse was confirmed or unconfirmed. If a school does not have a school counselor, such disclosure shall be made to the principal;

(C) As used in this paragraph, the term:

(i) 'Entity' means a child welfare agency providing protective services as designated by the department, or in the absence of such agency, a law enforcement agency or prosecuting attorney.

(ii) 'School' shall have the same meaning as set forth in Code Section 19-7-5;

(6) Any adult requesting information regarding investigations by the department or a governmental child protective agency regarding the findings or information about the case of child abuse or neglect involving a fatality or near fatality; provided, however, that the following may be redacted from such records:

(A) Any record of law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records;

(B) Medical and mental health records made confidential by other provisions of law;

(C) Privileged communications of an attorney;

(D) The identifying information of a person who reported suspected child abuse;

(E) Information that may cause mental or physical harm to the sibling or other child living in the household of the child being investigated;

(F) The name of a child who is the subject of reported child abuse or neglect;

(G) The name of any parent or other person legally responsible for the child who is the subject of reported child abuse or neglect, provided that such person is not under investigation for the reported child abuse or neglect; and

(H) The name of any member of the household of the child who is the subject of reported child abuse or neglect, provided that such person is not under investigation for the reported child abuse or neglect;

(7) The State Personnel Board, by administrative subpoena, upon a finding by an administrative law judge appointed by the chief state administrative law judge pursuant to Article 2 of Chapter 13 of Title 50, that access to such records may be necessary for a determination of an issue involving departmental personnel and that issue involves the conduct of such personnel in child related employment activities, provided that only those parts of the record relevant to the child related employment activities shall be disclosed. The name of any complainant or client shall not be identified or entered into the record;

~~(7.1)(8)~~ A child advocacy center ~~which is certified by the protocol committee, as such term is defined in Code Section 19-15-1, for the county where the principal office of the center is located as participating in the Children's Advocacy Centers of Georgia or a similar accreditation organization and which is operated for the purpose of investigation of known or suspected child abuse and treatment of a child or a family which is the subject of a report of abuse, and which has been created and supported through one or more intracommunity compacts between such advocacy center and one or more police agencies, the office of the district attorney, a legally mandated public or private child protective agency, a mental health board, and a community health service board; provided, however, that any child advocacy center which is granted access to records concerning reports of child abuse shall be subject to the confidentiality provisions of subsection (b) of Code Section 49-5-40 and shall be subject to the penalties imposed by Code Section 49-5-44 for authorizing or permitting unauthorized access to or use of such records~~ that has a need for information contained in such records in order to carry out its legal responsibilities to protect children from child abuse or neglect;

~~(8)(9)~~ Police or any other law enforcement agency of this state or any other state or any medical examiner or coroner investigating a report of known or suspected child abuse or any review committee or protocol committee created pursuant to Chapter 15 of Title 19, it being found by the General Assembly that the disclosure of such information is necessary in order for such entities to carry out their legal responsibilities to protect children from child abuse and neglect, which protective actions include bringing criminal actions for such child abuse or neglect, and that such disclosure is therefore permissible and encouraged under the 1992 amendments to Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section 5106(A)(b)(4); ~~and~~

~~(9)(10)~~ The Governor, the Attorney General, the Lieutenant Governor, or the Speaker of the House of Representatives when such officer makes a written request to the commissioner of the department which specifies the name of the child for ~~which~~ whom such access is sought and which describes such officer's need to have access to such records in order to determine whether the laws of this state are being complied with to protect children from child abuse and neglect and whether such laws need to be changed to enhance such protection, for which purposes the General Assembly finds such disclosure is permissible and encouraged under the 1992 amendments to Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section 5106(A)(b)(4); ~~and~~

(11) A court, by subpoena that is filed contemporaneously with a motion seeking records and requesting an in camera inspection of such records, may make such records available to a party seeking such records when:

(A) Such motion is filed;

(B) Such motion is served;

(i) On all parties to the action;

(ii) On the department or other entity that has possession of such records, as applicable; and

(iii) In matters other than a dependency proceeding or a civil proceeding wherein there is no related pending criminal investigation or prosecution of criminal or unlawful activity, on the prosecuting attorney, as applicable; and

(C) After an in camera inspection of such records, the court finds that access to such records appears reasonably calculated to lead to the discovery of admissible evidence."

"(f) Notwithstanding Code Section 49-5-40, a child who alleges that he or she was abused shall be permitted access to records concerning a report of child abuse allegedly committed against him or her which are in the custody of a child advocacy center, the department, or other state or local agency when he or she reaches 18 years of age; provided, however, that prior to such child reaching 18 years of age, if the requestor is not the subject of such ~~report~~ record, such ~~reports~~ records shall be made available to such child's parent or legal guardian or a deceased child's duly appointed representative when the requestor or his or her attorney submits a sworn affidavit to the applicable child advocacy center, the department, or other state or local agency that attests that such information is relevant to a pending or proposed civil action relating to damages sustained by such child; and provided, further, that such ~~reports~~ record concerning a report of child abuse shall still be subject to confidentiality pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72. Such record concerning a report of child abuse shall not be subject to release under paragraph (11) of subsection (a) of this Code section or subsection (g) of this Code section.

(g)(1) A subpoena authorized under paragraph (11) of subsection (a) of this Code section shall be served on the prosecuting attorney who has jurisdiction over a pending investigation or prosecution of criminal or unlawful activity, if such information is known to the individual seeking such access or disclosure.

(2) A prosecuting attorney may intervene in an action involving a motion filed under paragraph (11) of subsection (a) of this Code section.

(3)(A) When a court issues an order pursuant to paragraph (11) of subsection (a) of this Code section, the court shall issue a protective order to ensure the confidentiality of such records. Such protective order may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense and may include one or more of the following:

(i) That the records not be reproduced except as authorized by court order;

(ii) That the records be viewed or disclosed only on specified terms and conditions;

(iii) That the records be sealed and only opened by court order;

(iv) That the order be applicable to all parties, their counsel, and any agent or representative of a party; or

(v) That records released pursuant to such order be returned to the court upon completion of the matter that caused the production of such records.

(B) Any person who fails to obey a protective order issued under this subsection shall be punished as contempt by the court."

SECTION 4.

Said article is further amended by revising Code Section 49-5-46, relating to the liability of the department or agency, as follows:

"49-5-46.

The department, an ~~or any~~ agency, a child advocacy center, and employees ~~of either thereof~~ providing access to or disclosure of records or information as authorized by Code Section 49-5-41 shall have no civil liability or criminal liability responsibility therefor."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson

Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 895. By Representatives Mayo of the 84th, Dudgeon of the 25th, Evans of the 42nd and Casas of the 107th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require finance directors of charter schools to participate in initial and annual training in financially operating a charter school; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the establishment of a charter schools financial management certification; to provide that certain personnel of a charter school or state charter schools shall not serve simultaneously as the chief financial officer for the school; to include certain requirements for training for charter school and state charter school governing board members; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-2072, relating to training for board members, as follows:

"20-2-2072.

The members of the governing board of the nonprofit organization of each charter school shall participate in initial training for boards of newly approved charter schools

and annual training thereafter, conducted or approved by the state board. The state board shall provide for or approve such initial and annual training. For charter schools that are college and career academies, as defined in subsection (b) of Code Section 20-4-37, the state board shall provide or approve such training in conjunction with the Technical College System of Georgia. The training shall include, but not be limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations. The training shall also include two to three hours annually regarding sound fiscal management and monitoring the implementation of the budget in accordance with state laws and regulations which includes the following elements:

- (1) Board developed policies to ensure sound fiscal management, including but not limited to: balanced budget requirements, spending level authorizations and permissions, deficit spending restrictions, establishment of special funds, and reserve maintenance requirements;
- (2) Holding the principal, or its equivalent, accountable for the implementation of the budget in a manner consistent with the school's strategic plan;
- (3) Establishing through policy, the level of spending beyond the budget for which the school leader must seek board approval;
- (4) Monitoring the school's audits, monthly financial reports, and additional financial reports needed to make informed decisions and to ensure execution of the budget in a manner consistent with the strategic plan and strategic goals of the school;
- (5) Reviewing and addressing annually audited financial records and audit findings, with a goal of proactively preventing audit exceptions;
- (6) Addressing fiscal matters in a manner consistent with state law, sound business practice, and ethical principles regarding conflicts of interest; and
- (7) Operating in a manner such that the board's financial decisions and actions do not provide unfair financial or other opportunistic advantages to any member of the governance board, their family members, associates, or individual constituents."

SECTION 2.

Said chapter is further amended by adding new Code sections to read as follows:

"20-2-2073.

The State Board of Education shall establish a charter schools financial management certification program for charter school leaders and personnel who are responsible for the school's budget, accounting, payroll processing, purchasing, and ensuring the school's financial policies are in line with state and federal laws and best practices.

20-2-2074.

The principal, or its equivalent, for a charter school shall not serve simultaneously as the chief financial officer, or its equivalent, for the charter school."

SECTION 3.

Said chapter is further amended by striking the "and" at the end of paragraph (11) and by revising paragraph (12) of subsection (b) and adding a new paragraph to subsection (b) of Code Section 20-2-2083, relating to the powers and the duties of the State Charter Schools Commission, as follows:

"(12) Provide for or approve initial training for boards of newly approved state charter schools and annual training thereafter, as determined by the commission, for members of state charter school governing boards. For charter schools that are college and career academies, as defined in subsection (b) of Code Section 20-4-37, the commission shall provide or approve such training in conjunction with the Technical College System of Georgia. The training shall include, but not be limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations. The training shall also include two to three hours annually regarding sound fiscal management and monitoring the implementation of the budget in accordance with state laws and regulations which includes the following elements:

(A) Board developed policies to ensure sound fiscal management, including but not limited to: balanced budget requirements, spending level authorizations and permissions, deficit spending restrictions, establishment of special funds, and reserve maintenance requirements;

(B) Holding the principal, or its equivalent, accountable for the implementation of the budget in a manner consistent with the school's strategic plan;

(C) Establishing through policy, the level of spending beyond the budget for which the school leader must seek board approval;

(D) Monitoring the school's audits, monthly financial reports, and additional financial reports needed to make informed decisions and to ensure execution of the budget in a manner consistent with the strategic plan and strategic goals of the school;

(E) Reviewing and addressing annually audited financial records and audit findings, with a goal of proactively preventing audit exceptions;

(F) Addressing fiscal matters in a manner consistent with state law, sound business practice, and ethical principles regarding conflicts of interest; and

(G) Operating in a manner such that the board's financial decisions and actions do not provide unfair financial or other opportunistic advantages to any member of the governance board, their family members, associates, or individual constituents; and
(13) Establish a charter schools financial management certification program for state charter school leaders and personnel who are responsible for the school's budget, accounting, payroll processing, purchasing, and ensuring the school's financial policies are in line with state and federal laws and best practices."

SECTION 4.

Said chapter is further amended by adding a new subsection to Code Section 20-2-2084, relating to state charter school requirements, to read as follows:

"(f.1) The principal, or its equivalent, for a state charter school shall not serve simultaneously as the chief financial officer, or its equivalent, for the state charter school."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	N Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccica	N Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 8.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 206. By Senator Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to revise provisions relating to water liens; to provide for procedures for water liens, amended water liens, and cancellation of water liens and the forms therefor; to provide for bonds; to provide for contest of liens; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 336. By Senators Black of the 8th, Hufstetler of the 52nd, Jones of the 10th and Lucas of the 26th:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 47 of the O.C.G.A., related to retirement plans of the Georgia Municipal Employees Benefit System, so as to permit governing bodies of municipal corporations to enact plans or join a master plan by resolution in addition to ordinance; to designate a board of trustees for a master plan; to repeal conflicting laws; and for other purposes.

SB 357. By Senators Williams of the 27th, Ligon, Jr. of the 3rd, McKoon of the 29th and Crane of the 28th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise provisions relating to standards for local board of education members; to provide that establishing a code of ethics is in the discretion of the local board of education; to eliminate required training for local board of education members; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 862. By Representatives Knight of the 130th, Powell of the 171st, Harrell of the 106th, Hitchens of the 161st and Houston of the 170th:

A BILL to be entitled an Act to amend Code Section 48-5-48 of the Official Code of Georgia Annotated, relating to the homestead exemption for disabled veterans, so as to clarify the definition of disabled veteran; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-5-48 of the Official Code of Georgia Annotated, relating to the homestead exemption for disabled veterans, so as to clarify the definition of disabled veteran; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-48 of the Official Code of Georgia Annotated, relating to the homestead exemption for disabled veterans, is amended by revising paragraph (1) of subsection (a) as follows:

"(a) As used in this Code section, the term 'disabled veteran' means:

(1) Any veteran who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent totally disabled but is compensated at the 100 percent level due to individual unemployability ~~and~~ or is entitled to receive a statutory award from the United States Department of Veterans Affairs for:

(A) Loss or permanent loss of use of one or both feet;

(B) Loss or permanent loss of use of one or both hands;

(C) Loss of sight in one or both eyes; or

(D) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye;"

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 172, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 922. By Representatives Williamson of the 115th, Knight of the 130th, Kelley of the 16th, Harrell of the 106th, Coomer of the 14th and others:

A BILL to be entitled an Act to amend Code Section 48-7-40.17 of the Official Code of Georgia Annotated, relating to a tax credit for creating quality jobs, so as to add a definition of taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-7-40.17 of the Official Code of Georgia Annotated, relating to a tax credit for creating quality jobs, so as to add a definition of taxpayer; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-40.17 of the Official Code of Georgia Annotated, relating to a tax credit for creating quality jobs, is amended by adding a new paragraph to subsection (a) as follows:

"(3) 'Taxpayer' means any person required by law to file a return or to pay taxes, except that any taxpayer may elect to consider the jobs within its disregarded entities, as defined in the Internal Revenue Code, for purposes of calculating the number of new quality jobs created by the taxpayer under this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 171, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 924. By Representatives Epps of the 144th, Stephens of the 164th, Peake of the 141st, Dickey of the 140th, Randall of the 142nd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for a limited period of time an exemption from state sales and

use tax only with respect to certain sales to a qualified job training organization; to provide for procedures, conditions, and limitations; to provide an effective date and sunset date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for a limited period of time an exemption from state sales and use tax only with respect to certain sales to a qualified job training organization; to provide for procedures, conditions, and limitations; to provide an effective date and sunset date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by deleting "or" at the end of paragraph (95), by deleting the period and adding "; or" at the end of paragraph (96), and by adding a new paragraph to read as follows:

"(97)(A) Sales of tangible personal property and services to a qualified job training organization when such organization obtains an exemption determination letter from the commissioner.

(B) For the purposes of this paragraph, the term 'qualified job training organization' means an organization which:

(i) Is located in this state;

(ii) Is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code;

(iii) Specializes in the retail sale of donated items;

(iv) Provides job training and employment services to individuals with workplace disadvantages and disabilities, including, but not limited to, reentry citizens who shall be persons released from incarceration, persons with disabilities, and veterans; and

(v) Uses a majority of its revenues for job training and placement programs.

(C)(i) For the purposes of this paragraph, the term 'local sales and use tax' means any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of

1965'; or by or pursuant to Article 2, Article 2A, Part 1 or Part 2 of Article 3, Article 4, or Article 5 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(D) Any qualified job training organization which is granted an exemption under this paragraph shall provide an annual report to the department which contains, but is not limited to, the following:

(i) The number of individuals trained in the program;

(ii) The number of individuals employed by the organization after receiving such training; and

(iii) The number of individuals employed in full-time positions outside the organization after such training.

Such data shall be compiled by the department and presented to the House Committee on Ways and Means for consideration prior to any renewal or extension of the exemption provided by this paragraph.

(E) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph."

SECTION 2.

This Act shall become effective on July 1, 2017, and sunset on July 1, 2020.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T

Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	N Rutledge	Y Willard
Y Chandler	N Gilligan	N Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 13.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker announced the House in recess until 7:00 o'clock, this evening.

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 388. By Senators Heath of the 31st, Shafer of the 48th, Cowsert of the 46th, Ligon, Jr. of the 3rd, Mullis of the 53rd and others:

A RESOLUTION proposing an amendment to the Constitution, in a manner consistent with the United States Constitution, so as to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, directly or indirectly, for the provision of such services; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

SR 756. By Senators Hill of the 32nd, Hill of the 6th, Ligon, Jr. of the 3rd, Williams of the 27th, Gooch of the 51st and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide for prioritized funding requirements regarding certain appropriations Acts; to provide for procedures, conditions, and limitations; to provide for the authority of the General Assembly with respect to the foregoing; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 385. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, so as to provide for certain requirements for advertisement or publication of representations of board certification by physicians; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 420. By Senators Tippins of the 37th, Hill of the 32nd, Unterman of the 45th, Jones of the 25th and Thompson of the 14th:

A BILL to be entitled an Act to amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, so as to require referendum approval prior to the expenditure of public funds for the establishment of a fixed guideway transit; to provide for definitions; to provide for submission of the question to qualified voters; to provide for ballot language; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 675. By Senators McKoon of the 29th, Gooch of the 51st, Crane of the 28th, Ginn of the 47th, Harbin of the 16th and others:

A RESOLUTION Proposing an amendment to the Constitution so as to declare English as the official language of the State of Georgia; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1565. By Representatives Dukes of the 154th, Thomas of the 56th, Alexander of the 66th, Dickerson of the 113th, Carter of the 92nd and others:

A RESOLUTION commending the National Association of Women Owned Small Businesses, Inc., for their positive achievements in Georgia and the nation; and for other purposes.

HR 1566. By Representatives Thomas of the 39th, Smith of the 41st, Bentley of the 139th, Deffenbaugh of the 1st, Jones of the 53rd and others:

A RESOLUTION recognizing Tanzania on Africa Day at the state capitol; and for other purposes.

HR 1567. By Representatives Thomas of the 39th, Bentley of the 139th, Deffenbaugh of the 1st, Smith of the 41st, Jones of the 53rd and others:

A RESOLUTION recognizing Uganda on Africa Day at the state capitol; and for other purposes.

HR 1568. By Representative Raffensperger of the 50th:

A RESOLUTION commending Steven Douglas Wyckoff for his efforts and hard work in Eagle Scout Troop 27; and for other purposes.

HR 1569. By Representatives Thomas of the 39th, Thomas of the 56th, Smith of the 41st, Bentley of the 139th, Deffenbaugh of the 1st and others:

A RESOLUTION recognizing Liberia on Africa Day at the state capitol; and for other purposes.

HR 1570. By Representatives Rogers of the 29th, Hawkins of the 27th, Barr of the 103rd and Dunahoo of the 30th:

A RESOLUTION honoring the life and memory of Mr. Bobby L. Wiley; and for other purposes.

HR 1571. By Representatives Dawkins-Haigler of the 91st, Stephenson of the 90th, Mosby of the 83rd, Beasley-Teague of the 65th and Bennett of the 94th:

A RESOLUTION recognizing and commending Simply United Together Global; and for other purposes.

HR 1572. By Representatives LaRiccia of the 169th, Carson of the 46th, Shaw of the 176th, Corbett of the 174th, Watson of the 172nd and others:

A RESOLUTION recognizing Dr. Virginia M. Carson, President of South Georgia State College; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 960. By Representatives Kelley of the 16th, Sims of the 123rd, Dempsey of the 13th, Harrell of the 106th, Houston of the 170th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 48 of the O.C.G.A., relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to make distribution of penalties equitable between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax refund requests; to provide for confidentiality of taxpayer information; to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to make distribution of penalties equitable between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax

refund requests; to provide for confidentiality of taxpayer information; to amend Chapter 13A of Title 50 of the Official Code of Georgia Annotated, so as to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administration and collection of revenue, is amended by revising subsection (b) and adding a new subsection to Code Section 48-2-15, relating to confidential information, to read as follows:

"(b) This Code section shall not:

- (1) Be construed to prevent the use of confidential information as evidence before any state or federal court in the event of litigation involving tax liability of any taxpayer;
- (2) Be deemed to prevent the print or electronic publication of statistics so arranged as not to reveal information respecting an individual taxpayer;
- (3) Apply in any way whatsoever to any official finding of the commissioner with respect to any assessment or any information properly entered upon an assessment roll or other public record;
- (4) Affect any information which in the regular course of business is by law made the subject matter of a public document in any federal or state office or in any local office in this state; ~~or~~
- (5) Apply to information, records, and reports required and obtained under Article 1 of Chapter 9 of this title, which requires distributors of motor fuels to make reports of the amounts of motor fuels sold and used in each county by the distributor, or under Article 2 of Chapter 9 of this title, relating to road tax on motor carriers; or
- (6) Be construed to prevent the disclosure of information, so arranged as not to reveal information respecting an individual taxpayer, requested by the House Committee on Ways and Means or the Senate Finance Committee regarding the department's administration of any tax."

"(f) This Code section shall not be construed to prohibit disclosure as required in subsection (h) of Code Section 48-2-35."

SECTION 2.

Said chapter is further amended by revising subsections (a) and (f) and adding new subsections in Code Section 48-2-35, relating to refunds of taxes and fees determined to have been erroneously or illegally assessed and collected, to read as follows:

"(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have been erroneously or illegally assessed and collected from such taxpayer under the laws of this state, whether paid voluntarily or involuntarily, and shall be refunded

interest, except as provided in subsection (b) of this Code section, on the amount of the taxes or fees ~~at the rate of 1 percent per month~~ from the date of payment of the tax or fee to the commissioner at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus 3 percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. For the purposes of this Code section, any period of less than one month shall be considered to be one month. Refunds shall be drawn from the treasury on warrants of the Governor issued upon itemized requisitions showing in each instance the person to whom the refund is to be made, the amount of the refund, and the reason for the refund."

"(f) For purposes of all claims for refund of sales and use taxes erroneously or illegally assessed and collected, the term 'taxpayer,' as defined under Code Section 48-2-35.1, shall apply. Such claim for refund shall contain the total refund claimed and the allocation of the local sales and use tax by the political subdivision.

(g) Any taxpayer required to pay taxes electronically in accordance with paragraph (2.1) of subsection (f) of Code Section 48-2-32 shall also file any claims for refund electronically. The department shall make claim for refund forms consistent with this subsection electronically available.

(h)(1) As used in this subsection, the term:

(A) 'Political subdivision designee' means the chief officer or officers designated by the political subdivision to receive information about a refund claim of local significance pursuant to this subsection. Each political subdivision shall certify to the commissioner that any such designee is so authorized on a form and in a manner prescribed by the department.

(B) 'Refund claim of local significance' means a taxpayer's claim for refund of sales and use taxes erroneously or illegally assessed and collected or the department's discovery of any overpayment of such taxes, if such claim for refund or overpayment is for an amount equal to or greater than 10 percent of the total yearly average of aggregate sales and use tax distributions to any single political subdivision based on the average of the three most recent calendar years.

(2) Within 30 business days following the department's receipt of a refund claim of local significance, the department shall notify each affected political subdivision's political subdivision designee that a refund claim of local significance has been received and shall furnish the taxpayer with a copy of such notification. Such notification shall include the date the refund claim of local significance was filed, the amount in the claim for refund for which the political subdivision itself would be responsible if the request is granted, and a copy of the confidentiality provisions in Code Section 48-2-15 and this Code section. After the department has completed an audit of the claim for refund and determined a final refund amount, the department shall supplement the above notice by transmitting to the political subdivision designee the final refund amount for which the political subdivision is responsible.

(3) Any information supplied to a political subdivision designee pursuant to this subsection shall retain, in the hands of the local official, its privileged and confidential nature to the same extent and under the same conditions as such information is privileged and confidential in the hands of the commissioner, pursuant to Code Section 48-2-15. It shall be the responsibility of the political subdivision designee, and not the department, to protect privileged and confidential information received under this subsection. Any person who divulges any tax information obtained under this subsection shall be subject to the same civil and criminal penalties as provided for divulgence of tax information by employees of the department. Though privileged and confidential information shall not be disclosed, the political subdivision designee may make reasonable budgetary recommendations to elected officials, city managers, and tax officials in political subdivisions based on the confidential information furnished. The department shall not be subject to any criminal or civil liability for the unauthorized divulgence of privileged and confidential information by a political subdivision designee. Notwithstanding the foregoing, in the event all or any portion of the refund claim of local significance is for a tax levied under Part 1 of Article 3 of Chapter 8 of this title, the affected county shall not be in violation of this confidential provision if it notifies all municipal political subdivision designees in the county that such notification has been received from the department.

(4) The commissioner, by rule or regulation, shall establish guidelines for identifying and producing documents to the Department of Audits and Accounts for review relating to the handling of refund claims of local significance. In the event of such review, the Department of Audits and Accounts shall assess whether the department followed proper procedures and used appropriate methodology to reach its final determination on a refund claim of local significance.

(5) Any refund claims of local significance pending with the department for two years after the claim for refund was filed shall be automatically transferred to the Georgia Tax Tribunal as a declaratory judgment of the commissioner requesting a show cause proceeding pursuant to Code Section 50-13A-19.1."

SECTION 3.

Said chapter is further amended by revising Code Section 48-2-40, relating to the rate of interest on past due taxes, as follows:

"48-2-40.

Except as otherwise expressly provided by law, taxes owed the state or any local taxing jurisdiction shall bear interest ~~at the rate of 1 percent per month~~ at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus 3 percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purposes of this Code section, any period of

less than one month shall be considered to be one month. This Code section shall also apply to alcoholic beverage taxes."

SECTION 4.

Said chapter is further amended by revising subsection (b) of Code Section 48-2-44, relating to penalties and interest on failure to file return or timely pay taxes held in trust for the state, as follows:

"(b)(1) In any instance in which any person willfully fails, on or after July 1, 1981, to pay, within 90 days of the date when due, any ad valorem tax owed the state or any local government, such person shall pay, in the absence of a specific statutory civil penalty for the failure, a penalty of ~~40~~ 5 percent of the amount of tax due and not paid at the time such penalty is assessed, together with interest as specified by law. This 10 percent penalty After 180 days from the imposition of the initial penalty, an additional penalty of 5 percent of any tax amount remaining due shall be imposed at each subsequent 180 day period, together with interest as specified by law. No penalty shall be assessed pursuant to this subsection which exceeds in the aggregate 20 percent. These penalties shall not, however, apply in the case of:

(A) Ad valorem taxes of \$500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title; or

(B) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(2) Any city or county authorized as of April 22, 1981, by statute or constitutional amendment to receive a penalty of greater than 10 percent for failure to pay an ad valorem tax is authorized to continue to receive that amount.

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

(A) Penalties collected for failure to return property for ad valorem taxation or for failure to pay ad valorem taxes, and interest earned by the tax commissioner on taxes collected but not yet disbursed, shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall remain the property of the county; and

(B) Interest collected on delinquent ad valorem taxes shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the interest was computed."

SECTION 5.

Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, is amended by adding a new Code section to read as follows:

"50-13A-19.1.

(a) The tribunal shall docket the declaratory judgments of the revenue commissioner pursuant to subsection (h) of Code Section 48-2-35 as actions in the tribunal without the filing of a petition for relief.

(b) The tribunal shall determine by interlocutory order the party at fault for the delay in finally determining a claim for refund.

(1) If the tribunal determines that the Department of Revenue is primarily at fault, the order shall require that the Department of Revenue pay all interest due to the taxpayer on the claim for refund, including the interest due on the local sales and use tax deemed to have been illegally or erroneously collected. The tribunal shall thereafter remand the matter back to the Department of Revenue for determination on the underlying claim for refund.

(2) If the tribunal determines that the taxpayer who made the claim for refund is primarily at fault, the order shall prohibit the accrual of any interest due to the taxpayer on the finally determined claim for refund. The tribunal shall thereafter remand the matter back to the Department of Revenue for determination on the underlying claim for refund.

(3) If the tribunal determines that the delay is justified, the order shall remand the matter back to the Department of Revenue for determination and for further hearings at the tribunal's discretion.

(c) The tribunal, at its discretion, may award reasonable attorneys' fees to either party in such proceedings.

(d) Orders of the tribunal issued pursuant to this Code section shall be excluded from the provisions of subsection (d) of Code Section 50-13A-15.

(e) Except as otherwise provided in this Code section, such actions shall follow the procedures and tribunal rules applicable to other proceedings within the tribunal."

SECTION 6.

This Act shall become effective on July 1, 2016. The new penalty and interest rates provided in Sections 2, 3, and 4 of this Act shall apply to penalties and interest accrued on or after the effective date of this Act.

SECTION 7.

All law and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Drenner	Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 982. By Representatives Stephens of the 164th, Petrea of the 166th, Hitchens of the 161st, Stephens of the 165th and Gordon of the 163rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning ad valorem taxation of property, so as to change certain definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning ad valorem taxation of property, so as to change a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning ad valorem taxation of property, is amended by revising paragraph (3) of Code Section 48-5-2, relating to definitions, as follows:

"(3) 'Fair market value of property' means the amount a knowledgeable buyer would pay for the property and a willing seller would accept for the property at an arm's length, bona fide sale. The income approach, if actual income and expense data is available are supplied by the property owner, shall be considered in determining the fair market value of income-producing property. Notwithstanding any other provision of this chapter to the contrary, the transaction amount of the most recent arm's length, bona fide sale in any year shall be the maximum allowable fair market value for the next taxable year. With respect to the valuation of equipment, machinery, and fixtures when no ready market exists for the sale of the equipment, machinery, and fixtures, fair market value may be determined by resorting to any reasonable, relevant, and useful information available, including, but not limited to, the original cost of the property, any depreciation or obsolescence, and any increase in value by reason of inflation. Each tax assessor shall have access to any public records of the taxpayer for the purpose of discovering such information."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R

Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1058. By Representatives Price of the 48th, Hawkins of the 27th, Cooper of the 43rd, Dempsey of the 13th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Chapters 17 and 22 of Title 31 and Code Section 24-12-21 of the O.C.G.A., relating to control of venereal disease, clinical laboratories, and the disclosure of AIDS confidential information, respectively, so as to revise various statutes relating to HIV and AIDS; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-13-32, Chapters 17 and 22 of Title 31, and Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to transactions in drug related objects, control of venereal disease, clinical laboratories, and the disclosure of AIDS confidential information, respectively, so as to revise various statutes relating to prevention and testing for HIV and AIDS; to provide that employees and agents of harm reduction organizations are not subject to certain offenses relating to hypodermic needles; to revise a provision relating to refusal of a pregnant woman to submit to an HIV test; to provide for consent to medical treatment by a minor at risk of HIV; to eliminate the requirement that the Department of Public Health develop AIDS and HIV counseling brochures; to revise a provision relating to exposure of a health care provider to a potentially HIV infected person; to provide that disclosure to a parent or legal guardian of a minor's AIDS confidential information is permissive rather than mandatory; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-13-32 of the Official Code of Georgia Annotated, relating to transactions in drug related objects, is amended by revising subsection (c) as follows:

"(c) It shall be unlawful for any person or corporation, other than a licensed pharmacist, a pharmacy intern or pharmacy extern as defined in Code Section 26-4-5, ~~or a practitioner licensed to dispense dangerous drugs, or a person employed by or an agent of a harm reduction organization,~~ to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person a hypodermic syringe or needle designed or marketed primarily for human use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed for a legitimate medical purpose. As used in this subsection, the term 'harm reduction organization' means an organization which provides direct assistance and services, such as syringe exchanges, counseling, homeless services, advocacy, drug treatment, and screening, to at-risk individuals to slow the spread of HIV and other infectious diseases among intravenous drug users."

SECTION 2.

Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, is amended by revising subsection (d) of Code Section 31-17-4.2, relating to HIV pregnancy screening, as follows:

"(d) The woman shall be ~~informed~~ notified of the test to be conducted and ~~her right shall have the opportunity to refuse the test.~~ A pregnant woman shall submit to an HIV test and a syphilis test pursuant to this Code section unless she specifically ~~declines~~

refuses. If the woman tests positive for HIV or syphilis, counseling services provided by the Department of Public Health shall be made available to her and she shall be referred to appropriate medical care providers for herself and her child."

SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 31-17-7, relating to consent of a minor to medical or surgical care or services, as follows:

"(a) The consent to the provision of medical or surgical care or services by a hospital or public clinic or to the performance of medical or surgical care or services by a physician licensed to practice medicine and surgery, when such consent is given by a minor who is or professes to be afflicted with a venereal disease or at risk for HIV, shall be as valid and binding as if the minor had achieved his or her majority, provided that any such treatment shall involve procedures and therapy related to conditions or illnesses arising out of the venereal disease or HIV diagnosis which gave rise to the consent authorized under this Code section. Any such consent shall not be subject to later disaffirmation by reason of minority. The consent of no other person or persons, including but not limited to a spouse, parent, custodian, or guardian, shall be necessary in order to authorize the provision to such minor of such medical or surgical care or services as are described in this subsection."

SECTION 4.

Chapter 22 of Title 31 of the Official Code of Georgia Annotated, relating to clinical laboratories, is amended by revising paragraph (6) of subsection (a) of Code Section 31-22-9.1, relating to who may perform HIV tests, as follows:

"(6) 'Counseling' means providing the person with information and explanations medically appropriate for that person which may include all or part of the following: accurate information regarding AIDS and HIV; an explanation of behaviors that reduce the risk of transmitting AIDS and HIV; an explanation of the confidentiality of information relating to AIDS diagnoses and HIV tests; an explanation of information regarding both social and medical implications of HIV tests; and disclosure of commonly recognized treatment or treatments for AIDS and HIV. ~~The Department of Public Health shall develop brochures or other documents which meet the requirements of this paragraph and, upon delivery of such a brochure or document or of another brochure or document approved by the Department of Public Health to the person and referral of that person to the Department of Public Health for further information and explanations, counseling shall be deemed to have been provided within the meaning of this paragraph.~~"

SECTION 5.

Said chapter is further amended by revising subsection (g) of Code Section 31-22-9.2, relating to HIV tests, as follows:

"(g) Notwithstanding the other provisions of this Code section, when exposure of a health care provider to any body fluids of a patient occurs in such a manner as to create

any risk that such provider might become an HIV infected person if the patient were an HIV infected person, according to current infectious disease guidelines of the Centers for Disease Control and Prevention or according to infectious disease standards of the health care facility where the exposure occurred, a health care provider otherwise authorized to order an HIV test shall be authorized to order any HIV test on such patient and obtain the results thereof:

(1) If the patient or the patient's representative, if the patient is a minor, otherwise incompetent, or unconscious, does not refuse the test after being notified that the test is to be ordered ~~and after having been provided an opportunity to refuse the test~~; or

(2) If the patient or the patient's representative refuses the test, following compliance with paragraph (1) of this subsection, when at least one other health care provider who is otherwise authorized to order an HIV test concurs in writing to the testing; and the patient is informed of the results of the test and is provided counseling with regard to those results; ~~and the occurrence of that test is not made a part of the patient's medical records, where the test results are negative, without the patient's consent.~~"

SECTION 6.

Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of AIDS confidential information, is amended by revising subsection (c) as follows:

"(c) AIDS confidential information shall be disclosed to the person identified by that information or, if that person is ~~a minor or an~~ incompetent person, to that person's ~~parent or~~ legal guardian. AIDS confidential information may be disclosed to such person's parent or legal guardian if that person is a minor."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley

Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabrá	Y Rogers, T	Y Wilkinson
Y Casas	Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 54. By Representatives Waites of the 60th, Powell of the 32nd, Scott of the 76th, Jones of the 53rd and Fludd of the 64th:

A BILL to be entitled an Act to amend Subpart 7 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to grants to children of law enforcement officers, firefighters, and prison guards, so as to provide for undergraduate full tuition grants to children of law enforcement officers, firefighters, prison guards, and Highway Emergency Response Operators of the Department of Transportation who were killed in the line of duty who attend institutions of the University System of Georgia and who meet certain eligibility requirements; to provide a definition; to provide for voluntary donations through state income tax returns and drivers' licenses for funding; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Subpart 1 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Student Finance Authority, so as to provide for voluntary donations through state income tax returns and drivers' licenses for funding undergraduate tuition grants to children of law enforcement officers, firefighters, emergency medical technicians, prison guards, and Highway Emergency Response Operators of the Department of Transportation who were disabled or killed in the line of duty; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Shawn Smiley Act."

SECTION 2.

Subpart 1 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Student Finance Authority, is amended by adding a new Code section to read as follows:

"20-3-316.2.

(a)(1) Each Georgia income tax return form for taxable years beginning on or after January 1, 2017, shall contain appropriate language, to be determined by the state revenue commissioner, offering the taxpayer the opportunity to contribute to the Georgia Student Finance Authority to provide financial assistance toward the postsecondary educational costs of the children of law enforcement officers, firefighters, emergency medical technicians, and prison guards employed by the state or other public employer, and Highway Emergency Response Operators of the Department of Transportation who were permanently disabled or killed in the line of duty by either donating all or any part of any tax refund due and authorizing a reduction in the refund check otherwise payable or contributing any amount over and above any amount of tax owed by adding that amount to the taxpayer's payment. The instructions accompanying the income tax return shall include a description of the intended use of the moneys received from the contributions. Each taxpayer required to file a state income tax return who desires to contribute to the Georgia Student Finance Authority may designate such contribution as provided on the appropriate income tax return form.

(2) The Department of Revenue shall determine annually the total amount so contributed and shall transmit such amount to the Georgia Student Finance Authority.

(b) Beginning January 1, 2017, the Department of Driver Services shall, through appropriate language on its forms for the issuance and renewal of drivers' licenses and identification cards, offer individuals the opportunity to make voluntary contributions to the Georgia Student Finance Authority to provide financial assistance toward the postsecondary educational costs of the children of law enforcement officers, firefighters, emergency medical technicians, and prison guards employed by the state or

other public employer, and Highway Emergency Response Operators of the Department of Transportation who were permanently disabled or killed in the line of duty; provided, however, that such voluntary contributions shall be in whole dollar amounts. The form shall contain a description of the intended use of moneys received from the contributions. Each individual who desires to contribute may designate such contribution on the appropriate form, and the Department of Driver Services shall accept such contribution. The Department of Driver Services shall determine annually the total amount so contributed, shall withhold therefrom a reasonable amount for administering this voluntary contribution program, and shall transmit the balance to the Georgia Student Finance Authority for funding, in whole or in part, the postsecondary educational costs of such students. If, in any tax year, the administrative costs of the Department of Driver Services for collecting contributions pursuant to this subsection exceed the sum of such contributions, the administrative costs which the Department of Driver Services is authorized to withhold from such contributions shall not exceed the sum of such contributions."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites

Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1025. By Representatives Taylor of the 79th, Willard of the 51st, Drenner of the 85th, Henson of the 86th, Kendrick of the 93rd and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, so as to change provisions relating to service of accusations of or citations for violations of ordinances under certain circumstances; to provide for judgments when service is perfected under such circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, so as to change provisions relating to service of accusations of or citations for violations of ordinances under certain circumstances; to provide for judgments when service is perfected under such circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, is amended by revising Code Section 15-10-62, relating to prosecution upon citation or accusation, service, and arrest, as follows:

"15-10-62.

(a) Prosecutions for violations of county ordinances shall be upon citation as provided in Code Section 15-10-63 or upon accusation by the county attorney or such other attorney as the county governing authority may designate. Prosecutions for violations of ordinances of state authorities shall be upon citation as provided in Code Section 15-10-63 or upon accusation by such attorney as the state authority may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.

(b) Except as provided in subsection (c) of this Code section, citations for or accusations ~~Accusations~~ of violations of ordinances ~~and citations~~ shall be personally served upon the person accused. Each accusation or citation shall state the time and place at which the accused is to appear for trial. The accused shall not be arrested prior to the time of trial, except for the offenses of public drunkenness or disorderly conduct and except that ordinances of state authorities may provide for immediate arrest; provided, however, that the accused may be arrested prior to the time of trial for the violation of a county ordinance relating to loitering; and provided, further, that except as provided in subsection (c) of this Code section, any defendant accused who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and required to post a bond for his or her future appearance.

(c)(1) When provided by local law, a citation for or accusation of a violation of an ordinance concerning the condition of real property may be served by:

(A) Posting a copy of it on the door of the premises where the alleged violation occurred;

(B) Mailing a copy of it by first-class mail to the owner of such premises at the address of record maintained by the tax commissioner and tax assessor; and

(C) Filing a copy of it with the clerk of magistrate court.

(2) When service is perfected as provided in this subsection and the accused fails to appear for trial, an in rem judgment and lien against the real property shall be the exclusive penalty."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 15-10-63, relating to use of citations, as follows:

"(c) Prosecutions for violations of ordinances upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the county who is authorized by the county governing authority to issue citations or by an agent of the state authority who is authorized by the authority to issue citations. A Except as provided in subsection (c) of Code Section 15-10-62, a copy of the citation shall be

personally served upon the accused; and the original shall promptly be filed with the court."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	N Duncan	E Jones, L	Y Price	Y Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efratation	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	N Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casas	Y Gasaway	Y Marin	N Rutledge	Y Willard
Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 145, nays 22.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 229. By Representatives Strickland of the 111th, Welch of the 110th, Meadows of the 5th, Fleming of the 121st, Hightower of the 68th and others:

A BILL to be entitled an Act to amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, so as to expand grandparent rights to visitation and intervention to great-grandparents and siblings of parents; to conform cross-references relating to adoption; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, so as to expand grandparent rights to visitation and intervention to great-grandparents and siblings of parents; to provide for definitions; to provide for an evidentiary standard; to conform cross-references relating to adoption; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising Code Section 19-7-3, relating to grandparent visitation rights and intervention, as follows:

"19-7-3.

(a) As used in this Code section, the term '~~grandparent~~':

(1) 'Family member' means a grandparent, great-grandparent, or sibling.

(2) 'Grandparent' means the parent of a parent of a minor child, the parent of a minor child's parent who has died, and the parent of a minor child's parent whose parental rights have been terminated.

(3) 'Great-grandparent' means the parent of the parent of a parent of a minor child, the parent of the parent of a minor child's parent who has died, and the parent of the parent of a minor child's parent whose parental rights have been terminated.

(4) 'Sibling' means the brother or sister of a parent of a minor child, the brother or sister of a minor child's parent who has died, and the brother or sister of a minor child's parent whose parental rights have been terminated.

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, any ~~grandparent~~ family member shall have the right to file an original action for visitation

rights to a minor child or to intervene in and seek to obtain visitation rights in any action in which any court in this state shall have before it any question concerning the custody of a minor child, a divorce of the parents or a parent of such minor child, a termination of the parental rights of either parent of such minor child, or visitation rights concerning such minor child or whenever there has been an adoption in which the adopted child has been adopted by the child's blood relative or by a stepparent, notwithstanding the provisions of Code Section 19-8-19.

(2) This subsection shall not authorize an original action where the parents of the minor child are not separated and the child is living with both parents.

(c)(1) Upon the filing of an original action or upon intervention in an existing proceeding under subsection (b) of this Code section, the court may grant any ~~grandparent~~ family member of the child reasonable visitation rights if the court finds by clear and convincing evidence that the health or welfare of the child would be harmed unless such visitation is granted and if the best interests of the child would be served by such visitation. The mere absence of an opportunity for a child to develop a relationship with a family member shall not be considered as harming the health or welfare of the child when there is no substantial preexisting relationship between the child and such family member. In considering whether the health or welfare of the child would be harmed without such visitation, the court shall consider and may find that harm to the child is reasonably likely to result ~~where~~ when, prior to the original action or intervention:

(A) The minor child resided with the ~~grandparent~~ family member for six months or more;

(B) The ~~grandparent~~ family member provided financial support for the basic needs of the child for at least one year;

(C) There was an established pattern of regular visitation or child care by the ~~grandparent~~ family member with the child; or

(D) Any other circumstance exists indicating that emotional or physical harm would be reasonably likely to result if such visitation is not granted.

The court shall make specific written findings of fact in support of its rulings.

(2) An original action requesting visitation rights shall not be filed by any ~~grandparent~~ family member more than once during any two-year period and shall not be filed during any year in which another custody action has been filed concerning the child. After visitation rights have been granted to any ~~grandparent~~ family member, the legal custodian, guardian of the person, or parent of the child may petition the court for revocation or amendment of such visitation rights, for good cause shown, which the court, in its discretion, may grant or deny; but such a petition shall not be filed more than once in any two-year period.

(3) While a parent's decision regarding ~~grandparent~~ family member visitation shall be given deference by the court, the parent's decision shall not be conclusive when failure to provide ~~grandparent~~ family member contact would result in emotional harm to the child. A court may presume that a child who is denied any contact with his or her ~~grandparent~~ family member or who is not provided some minimal opportunity for

contact with his or her ~~grandparent~~ family member when there is a preexisting relationship between the child and such family member may suffer emotional injury that is harmful to such child's health. Such presumption shall be a rebuttable presumption.

(4) In no case shall the granting of visitation rights to a ~~grandparent~~ family member interfere with a child's school or regularly scheduled extracurricular activities.

(5) Visitation time awarded to a ~~grandparent~~ family member shall not be less than 24 hours in any one-month period; provided, however, that when more than one individual seeks visitation under this Code section, the court shall determine the amount of time to award to each petitioner which shall not be less than 24 hours in any one-month period in the aggregate.

(d) Notwithstanding the provisions of subsections (b) and (c) of this Code section, if one of the parents of a minor child dies, is incapacitated, or is incarcerated, the court may award ~~the parent~~ a family member of the deceased, incapacitated, or incarcerated parent of such minor child reasonable visitation to such child during his or her minority, which shall not be less than 24 hours in any one-month period, if the court in its discretion finds that such visitation would be in the best interests of the child. The custodial parent's judgment as to the best interests of the child regarding visitation shall be given deference by the court but shall not be conclusive.

(e) If the court finds that the ~~grandparent or grandparents~~ family member can bear the cost without unreasonable financial hardship, the court, at the sole expense of the petitioning ~~grandparent or grandparents~~ family member, may:

(1) Appoint a guardian ad litem for the minor child; and

(2) Assign the issue of visitation rights of a ~~grandparent~~ family member for mediation.

(f) In the event that the court does not order mediation or upon failure of the parties to reach an agreement through mediation, the court shall fix a time for the hearing of the issue of visitation rights of the ~~grandparent or grandparents~~ family member.

(g) Whether or not visitation is awarded to a ~~grandparent~~ family member, the court may direct a custodial parent, by court order, to notify such ~~grandparent~~ family member of every performance of the minor child to which the public is admitted, including, but not limited to, musical concerts, graduations, recitals, and sporting events or games.

(h) When more than one family member files an action pursuant to this Code section, the court shall determine the priority of such actions."

SECTION 2.

Said title is further amended by revising subsection (f) of Code Section 19-8-13, relating to the petition for adoption, filing, and contents, as follows:

"(f)(1) As used in this subsection, the term 'family member' shall have the same meaning as set forth in Code Section 19-7-3.

(2) Whenever a petitioner is a blood relative of the child to be adopted and a ~~grandparent~~ family member other than the petitioner has visitation rights to the child granted pursuant to Code Section 19-7-3, the petitioner shall cause a copy of the

petition for adoption to be served upon the ~~grandparent~~ family member with the visitation rights or upon such person's counsel of record."

SECTION 3.

Said title is further amended by revising Code Section 19-8-15, relating to when objections may be filed by relatives to petition for adoption, as follows:

"19-8-15.

(1) As used in this Code section, the term 'family member' shall have the same meaning as set forth in Code Section 19-7-3.

(2) If the child sought to be adopted has no legal father or legal mother living, it shall be the privilege of any person related by blood to the child to file objections to the petition for adoption. A ~~grandparent~~ family member with visitation rights to a child granted pursuant to Code Section 19-7-3 shall have the privilege to file objections to the petition of adoption if neither parent has any further rights to the child and if the petition for adoption has been filed by a blood relative of the child. The court, after hearing such objections, shall determine, in its discretion, whether or not the same constitute a good reason for denying the petition and the court shall have the authority to grant or continue such visitation rights of the ~~grandparent to~~ family member of the child in the adoption order in the event the adoption by the blood relative is approved by the court."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Strickland of the 111th, Weldon of the 3rd, and Willard of the 51st offer the following amendment:

Amend the House Committee on Juvenile Justice substitute to HB 229 (LC 29 7007S) by replacing line 2 with the following:

so as to change provisions relating to a grandparent's right to intervention in certain domestic relation cases; to allow for intervention by great-grandparents and

By replacing lines 23 through 33 with the following:

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, ~~any~~:

(A) Any grandparent shall have the right to file an original action for visitation rights to a minor child ~~or~~; and

(B) Any family member shall have the right to intervene in and seek to obtain visitation rights in any action in which any court in this state shall have before it any question concerning the custody of a minor child, a divorce of the parents or a parent of such minor child, a termination of the parental rights of either parent of such minor child, or visitation rights concerning such minor child or whenever there

has been an adoption in which the adopted child has been adopted by the child's blood relative or by a stepparent, notwithstanding the provisions of Code Section 19-8-19.

(2) This subsection shall not authorize an original action ~~where~~ when the parents of the minor child are not separated and the child is living with both parents.

By replacing lines 54 through 57 with the following:

(2) An original action requesting visitation rights shall not be filed by any grandparent more than once during any two-year period and shall not be filed during any year in which another custody action has been filed concerning the child. After visitation rights have been granted to any grandparent, the legal

By replacing lines 79 through 81 with the following:

the parent of the deceased, incapacitated, or incarcerated parent of such minor child reasonable visitation to such child during his or her minority if the court in its discretion finds that such

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites

Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	N Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	N Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 164, nays 4.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 365. By Representatives Knight of the 130th, Harbin of the 122nd, Harrell of the 106th and Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 5C of Title 48 of the Official Code of Georgia Annotated, relating to alternative ad valorem tax on motor vehicles, so as to change certain definitions regarding such taxation; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 5C of Title 48 of the Official Code of Georgia Annotated, relating to alternative ad valorem tax on motor vehicles, so as to provide for the distribution of certain proceeds of the tax; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5C of Title 48 of the Official Code of Georgia Annotated, relating to alternative ad valorem tax on motor vehicles, is amended in Code Section 48-5C-1, relating to definitions, exemption from taxation, allocation and disbursement of proceeds, fair market value of vehicle appealable, and report, by revising paragraph (3) of subsection (c) as follows:

"(3) The local title ad valorem tax fee proceeds required under this subsection shall be distributed as follows:

(A) The tag agent of the county shall within 20 days following the end of each calendar month allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county an amount of those proceeds necessary to offset any reduction in ad valorem tax on motor vehicles collected under Chapter 5 of this title in the taxing jurisdiction of each governing authority and school district from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of this title in each such governing authority and school district during the same calendar month of 2012. This reduction shall be calculated by subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in each such taxing jurisdiction from the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in that taxing jurisdiction in the same calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are insufficient to fully offset such reduction in ad valorem taxes on motor vehicles, the tag agent shall allocate a proportionate amount of the proceeds to each governing authority and to the board of education of each such school district, and any remaining shortfall shall be paid from the following month's local title ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall continue to first allocate local title ad valorem tax fee proceeds to offset such shortfalls until the shortfall has been fully repaid; and

(B) Of the proceeds remaining following the allocation and distribution under subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county the remaining amount of those proceeds in the manner provided in this subparagraph. Such proceeds shall be deposited in the general fund of such governing authority or board of education and shall not be subject to any use or expenditure requirements provided for under any of the following described local sales and use taxes but shall be authorized to be expended in the same manner as authorized for the ad valorem tax revenues on motor vehicles under Chapter 5 of this title which would otherwise have been collected for such governing authority or board of education. Of such remaining proceeds:

(i) An amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district and the board of education of each independent school district located in such county in the same manner as required for any local sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 of this title currently in effect. If such tax is not currently in effect, such proceeds shall be distributed to such board or boards of education in the same manner as if such tax were in effect;

(ii)(I) Except as otherwise provided in this division, an amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of this title currently in effect.

(II) If such tax were never in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(III) If such tax is currently in effect as well as a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment, an amount equal to one-third of such proceeds shall be distributed in the same manner as required under subdivision (I) of this division and an amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district.

(IV) If such tax is not currently in effect and a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment is currently in effect, such proceeds shall be distributed to the board of education of the county school district and the board of education of any independent school district in the same manner as required under ~~that~~ such local constitutional amendment.

(V) If such tax is not currently in effect and a homestead option sales and use tax under Article 2A of Chapter 8 of this title is in effect, such proceeds shall be distributed to the governing authority of the county, each qualified municipality, and each existing municipality in the same proportion as otherwise required under Code Section 48-8-104; and

(iii)(I) An amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of this title currently in effect; provided, however, that this subdivision shall not apply if subdivision (III) of division (ii) of this subparagraph is applicable.

(II) If such tax were in effect but expired and is not currently in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as if such tax were still in effect according to the intergovernmental agreement or as otherwise required under the county special purpose local sales and use tax under Part 1 of Article 3 of Chapter 8 of this title for the 12 month period commencing at the expiration of such tax. If such tax is not renewed prior to the expiration of such 12 month period, such amount shall

be distributed in accordance with subdivision (I) of division (ii) of this subparagraph; provided, however, that if a tax under Article 2 of Chapter 8 of this title is not in effect, such amount shall be distributed in accordance with subdivision (II) of division (ii) of this subparagraph.

(III) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be distributed to the governing body of the authority created by local Act to operate such metropolitan area system of public transportation.

(IV) If such tax were never in effect, such proceeds shall be distributed in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of this title currently in effect; provided, however, that if such tax under such article is not in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county; and

(C) Of the proceeds distributed under subparagraphs (A) and (B) of this paragraph to the county governing authority, any county in which an ad valorem tax was levied on motor vehicles pursuant to a local constitutional amendment on behalf of an authority or agency within such county on March 1, 2013, shall remit to such authority or agency a percentage of the amount received by the county governing authority equal to the percentage which such ad valorem tax constituted of the entire county ad valorem tax collected in the 2012 taxable year."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representatives Strickland of the 111th and Welch of the 110th were excused from voting on HB 365.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstraction	Y Jordan	Y Pruett	Y Thomas, A.M.
Y Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabry	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Y Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 605. By Representatives Weldon of the 3rd and Welch of the 110th:

A BILL to be entitled an Act to amend Code Section 47-23-63 of the Official Code of Georgia Annotated, relating to definition and effect of full-time and part-time service and calculations, so as to provide that a member of the Georgia Judicial Retirement System who was serving in a full-time position on his or her retirement may use prior part-time service for vesting; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 47-23-63 of the Official Code of Georgia Annotated, relating to definition and effect of full-time and part-time service and calculations, so as to provide that a member of the Georgia Judicial Retirement System who was serving in a full-time position on his or her retirement may use prior part-time service for vesting; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-23-63 of the Official Code of Georgia Annotated, relating to definition and effect of full-time and part-time service and calculations, is amended by revising subsection (c) as follows:

"(c) Any member who on the effective date of his or her retirement was serving in a full-time position shall ~~not~~ be entitled to use any prior part-time service for vesting for benefits and shall be entitled to use such prior service for the calculation of benefits on the basis of ~~one month of credit for each three months of prior part-time service~~ a ratio determined by dividing the average monthly compensation for the 24 consecutive month period producing the highest such average during the part-time service by the average monthly salary during the 24 consecutive month period producing the highest such average during the full-time service. The resultant percentage will be multiplied by the total part-time service and the result added to the total full-time service, resulting in the total service to be used in all benefit calculations."

SECTION 2.

This Act shall become effective on July 1, 2016, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2016, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	N Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	E Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
N Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Duncan	E Jones, L	N Price	Y Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
N Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casas	Y Gasaway	Y Marin	Y Rutledge	N Willard
Y Chandler	N Gilligan	Y Martin	N Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
N Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 134, nays 29.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 542. By Representatives Wilkerson of the 38th, Mosby of the 83rd, Bentley of the 139th and Bryant of the 162nd:

A BILL to be entitled an Act to amend Article 11 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the higher education savings plan, so as to provide for matching of contributions by the state for

certain low-income contributors; to provide for purposes; to provide for authority of the board; to provide for operation of the program, terms, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	N Coomer	N Harrell	Y Mitchell	N Smith, L
N Allison	Cooper	N Hatchett	N Morris	Y Smith, M
N Atwood	N Corbett	Y Hawkins	Y Mosby	N Smith, R
N Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Smyre
N Barr	N Deffenbaugh	N Hightower	N Nix	N Spencer
N Battles	N Dempsey	N Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Stephens, R
N Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	N Houston	N Parsons	Y Stovall
Y Bennett, T	N Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	N Petrea	N Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	N Tankersley
Y Beskin	N Dudgeon	N Jasperse	N Pirkle	N Tanner
Y Beverly	Y Dukes	Y Jones, J	Powell, A	N Tarvin
N Blackmon	N Dunahoo	N Jones, J.B.	N Powell, J	Taylor, D
Y Broadrick	N Duncan	E Jones, L	N Price	N Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	N Efstration	Y Jordan	Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	N England	N Kelley	N Raffensperger	Y Trammell
N Burns	N Epps	Y Kendrick	Y Rakestraw	N Turner
N Caldwell, J	Y Evans	Kidd	N Ramsey	Y Waites
N Caldwell, M	N Fleming	N Kirby	Y Randall	N Watson
Y Cannon	E Floyd	Knight	N Reeves	N Welch
N Cantrell	Y Fludd	N LaRiccica	N Rhodes	N Weldon
N Carson	Y Frazier	N Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	N Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Rogers, T	N Wilkinson
N Casas	N Gasaway	Y Marin	N Rutledge	N Willard
N Chandler	N Gilligan	N Martin	N Rynders	Y Williams, A
N Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
N Clark, D	E Golick	Y Mayo	N Setzler	E Williams, E
N Clark, H	Y Gordon	N McCall	Y Sharper	N Williamson
N Clark, V	N Gravley	Y McClain	N Shaw	Y Yates
N Coleman	Y Greene	Meadows	N Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 74, nays 87.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 699. By Representatives Welch of the 110th, Setzler of the 35th, Strickland of the 111th and Tanner of the 9th:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to provisions applicable to counties, municipal corporations, and other governmental entities, so as to define a certain term; to provide that when a majority of an elected governing body is not elected to serve the next term of office, such body shall not have the authority to incur debt, execute contracts, or dispose of assets; to provide that such contracts or instruments of indebtedness shall be void ab initio; to provide for a cause of action to enforce such provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for the beginning of the terms of office for county and municipal governing authorities; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide for the filling of vacancies on county and municipal governing authorities; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by revising Code Section 21-2-541.1, relating to terms for all municipal offices elected at general municipal elections, as follows:

"21-2-541.1.

(a) All municipal offices elected at general municipal elections shall be for terms of four years unless otherwise provided by local law in accordance with Code Section 21-2-541.2.

(b) ~~Unless otherwise provided for by the municipal charter, municipal officeholders~~ Notwithstanding any other provision of law to the contrary, beginning with persons elected on or after the effective date of this subsection, the term of office of a member of a municipal governing authority, including a mayor, shall begin on the Monday following such person's election which is at least five days following the certification of the results of such person's election to such office unless a petition to contest the results of such person's election to such office is filed pursuant to Article 13 of this chapter. If

a petition to contest the election results is filed, such person shall not be sworn in until a judgment has been entered pursuant to Code Section 21-2-527 or such petition has been withdrawn or dismissed. In such case, the person's term of office shall begin on the Monday following the entry of such judgment or the withdrawal or dismissal of such petition. Such officeholder shall be sworn in at ~~their first organizational~~ the next meeting of the ~~new year~~ governing authority, which shall be held not later than two weeks following the beginning of such person's term of office, and ~~will~~ shall hold office until ~~their successors are duly elected and qualified and take said oath of office~~ his or her successor's term begins in accordance with this subsection.

(c) Notwithstanding any other provision of law to the contrary, beginning with persons elected on or after the effective date of this subsection, the term of office of a member of a county governing authority, including a county commission chairperson or chief executive officer of a county, shall begin on the Monday following such person's election which is at least five days following the certification of the results of such person's election to such office unless a petition to contest the results of such person's election to such office is filed pursuant to Article 13 of this chapter. If a petition to contest the election results is filed, such person shall not be sworn in until a judgment has been entered pursuant to Code Section 21-2-527 or such petition has been withdrawn or dismissed. In such case, the person's term of office shall begin on the Monday following the entry of such judgment or the withdrawal or dismissal of such petition. Such officeholder shall be sworn in at the next meeting of the governing authority, which shall be held not later than two weeks following the beginning of such person's term of office, and shall hold office until his or her successor's term begins in accordance with this subsection.

(d) Any actions taken by a county or municipal governing authority during the period between the date of an election in which an incumbent member of the governing authority was defeated and the date that those members of the governing authority, including a mayor, county commission chairperson, or chief executive officer of a county, elected in such election take office shall be voidable if such actions are rescinded by the governing authority during the 30 day period beginning on the date when the last member of the governing authority elected in such election takes office.

(e) Nothing contained in subsection (b) or (c) of this Code section is intended to affect the vesting of or eligibility for any pension benefits of a public officer."

SECTION 2.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by repealing and reserving Code Section 36-5-21, relating to vacancy in office of county commissioner or other governing authority.

SECTION 3.

Said title is further amended by adding a new Code section to read as follows:

"36-60-27.

(a) When a vacancy occurs in the office of a member of a county or municipal governing authority, including a mayor, county commission chairperson, or chief executive officer of a county, and the unexpired term for such office exceeds 180 days before the date of election for such office, it shall be the duty of the judge of the probate court of the county to call a special election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The election shall be held as provided by Chapter 2 of Title 21, and the cost of the election shall be defrayed by the proper county or municipal governing authority, as applicable. If the unexpired term to be filled is 180 days or less before the date of election for such office, the chief judge of the superior court of the county shall have the power to appoint a successor to fill the unexpired term.

(b) When the office of a member of a county or municipal governing authority is vacated for any reason and a special election is required to be called pursuant to subsection (a) of this Code section, the remaining members of such governing authority shall constitute the county or municipal governing authority during the interim period between the creation of the vacancy and the appointment or election and qualification of a successor to fill the vacancy pursuant to subsection (a) of this Code section, except that if, as a result of such vacancy or any combination of such vacancies, there is no longer any member of the county or municipal governing authority remaining in office to constitute the county or municipal governing authority, the judge of the probate court of the county shall serve as the county or municipal governing authority until the election and qualification under subsection (a) of this Code section of all successors to the vacated positions on the county or municipal governing authority.

(c) A judge of the probate court serving as the county or municipal governing authority pursuant to subsection (b) of this Code section shall receive for such service, in addition to any other compensation that such judge is authorized by law to receive, an amount equal to the amount that the chairperson of the board of commissioners, mayor, or sole commissioner, as applicable, would have been authorized to receive for such period of service."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Welch of the 110th offers the following amendment:

Amend the House Committee on Governmental Affairs substitute to HB 699 (LC 28 8013S)

by striking "to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide for the filling of vacancies on county and municipal governing authorities;" on lines 3 through 5 and inserting in lieu thereof "to provide for limitations on actions by governing authorities under certain circumstances;".

By inserting after "to the contrary," on lines 16 and 31 "except as may be provided by a local Act enacted on or after January 1, 2017,".

By striking "the effective date of this subsection," on line 17 and inserting in lieu thereof "January 1, 2018," and by striking "the effective date of this subsection," on line 32 and inserting in lieu thereof "January 1, 2017,".

By striking lines 45 through 51 and inserting in lieu thereof the following:

(d)(1) Unless otherwise provided by a local Act enacted on or after January 1, 2017, any actions taken by a sole commissioner during the period between the date of an election in which the incumbent sole commissioner was defeated and the date that a new sole commissioner elected in such election takes office shall be voidable if such actions are rescinded by the new sole commissioner during the 30 day period beginning on the date when the new sole commissioner elected in such election takes office.

(2) Except as provided in paragraph (1) of this subsection, unless otherwise provided by local Act enacted on or after January 1, 2017, all actions taken by a county or municipal governing authority or the governing authority of a consolidated government during the period between the date of an election and the date that those members of the governing authority, including a mayor, county commission chairperson, or chief executive officer of a county, elected in such election take office shall require a unanimous vote of the members of the governing authority.

By striking lines 55 through 89 and redesignating Section 5 as Section 3.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abrams	N Cooke	N Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	N Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	N Deffenbaugh	Y Hightower	N Nix	Y Spencer

Y Battles	Y Dempsey	Y Hitchens	N Oliver	Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	Y Pak	N Stephens, R
Y Belton	N Dickey	E Holmes	N Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	Y Stover
N Bentley	Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	N Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	Y Dunahoo	Y Jones, J.B.	Powell, J	Taylor, D
N Broadrick	Y Duncan	E Jones, L	N Price	Taylor, T
Y Brockway	N Ealum	N Jones, S	Prince	Y Teasley
N Bruce	Y Efstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	N Quick	N Thomas, E
N Buckner	England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	N Epps	N Kendrick	Y Rakestraw	Y Turner
N Caldwell, J	N Evans	Kidd	Y Ramsey	N Waites
Y Caldwell, M	Fleming	Y Kirby	N Randall	Y Watson
N Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccica	N Rhodes	Y Weldon
Y Carson	N Frazier	N Lott	E Rice	Y Werkheiser
N Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	N Martin	Y Rynders	N Williams, A
Y Cheokas	N Glanton	N Maxwell	N Scott	N Williams, C
N Clark, D	E Golick	N Mayo	Y Setzler	E Williams, E
N Clark, H	N Gordon	Y McCall	Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
N Coleman	N Greene	Y Meadows	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 80, nays 78.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Welch of the 110th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 699.

On the motion, the roll call was ordered and the vote was as follows:

N Abrams	Y Cooke	N Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	Y Smith, L
Y Allison	Cooper	Y Hatcher	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	Y Hightower	N Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	Y Stover
N Bentley	Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	N Pezold	Y Tankersley

Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	N Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efrstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	N Thomas, E
N Buckner	England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	Y Turner
N Caldwell, J	N Evans	Kidd	Y Ramsey	N Waites
Y Caldwell, M	Fleming	Y Kirby	N Randall	Y Watson
N Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	N Williams, A
Y Cheokas	N Glanton	N Maxwell	N Scott	Y Williams, C
Y Clark, D	E Golick	N Mayo	Y Setzler	E Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
N Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 104, nays 62.

The motion prevailed.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abrams	N Cooke	N Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	N Smith, L
Y Allison	Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	N Deffenbaugh	Y Hightower	N Nix	Y Spencer
Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	Y Pak	Y Stephens, R
Y Belton	N Dickey	E Holmes	N Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	Y Stover
N Bentley	Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	N Pezold	N Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	N Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	Y Dunahoo	Y Jones, J.B.	Powell, J	Y Taylor, D
N Broadrick	Y Duncan	E Jones, L	N Price	Y Taylor, T
Y Brockway	N Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efrstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	N Quick	N Thomas, E
N Buckner	England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	N Epps	N Kendrick	Y Rakestraw	Y Turner

N Caldwell, J	N Evans	Kidd	Y Ramsey	N Waites
Y Caldwell, M	Fleming	Y Kirby	N Randall	Y Watson
N Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRicca	N Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	E Rice	Y Werkheiser
N Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	N Martin	Y Rynders	N Williams, A
Y Cheokas	N Glanton	N Maxwell	N Scott	N Williams, C
N Clark, D	E Golick	N Mayo	Y Setzler	E Williams, E
N Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	McClain	Y Shaw	Y Yates
N Coleman	N Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 82, nays 81.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 943. By Representatives Rogers of the 29th, Pak of the 108th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, so as to provide for additional limitations on indemnification and duty to defend clauses which are void and unenforceable in contracts for engineering or architectural services; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Willard of the 51st and Rogers of the 29th offer the following amendment:

Amend HB 943 (LC 36 2966ER) by replacing lines 2 through 4 with the following:
and void contracts generally, so as to change provisions relating to contracts which contravene public policy; to provide for related matters; to repeal

By replacing lines 20 through 22 with the following:

(b) A covenant, promise, agreement, or understanding in or in connection with or collateral to a contract or agreement relative to the construction, alteration, repair, design, engineering, or maintenance of a building structure, road, bridge or other infrastructure, appurtenances, and appliances, including moving, demolition, and

By replacing lines 27 through 29 with the following:

bodily injury to persons, death, or damage to property caused by or resulting from the sole negligence, recklessness, or intentionally wrongful conduct of the indemnitee, or its, his, or her officers, agents, or employees, or any third party is against public policy and void and unenforceable. This subsection shall not affect any obligation

By replacing "policy." with "policy."" at the end of line 35 and by deleting lines 36 through 48.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, as amended.

HB 1036. By Representatives Hitchens of the 161st, Stephens of the 164th, Petrea of the 166th, Williams of the 168th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 22 of the O.C.G.A., relating to the exercise of power of eminent domain for special purposes, so as to change certain provisions relating to the exercise of power of eminent domain for construction of petroleum pipelines and the environmental permitting requirements for petroleum pipelines; to enact a temporary moratorium on the use of eminent domain for construction of petroleum pipelines and the permitting for construction of such pipelines so that a commission of elected officials and field experts can conduct a detailed study; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 22 of the Official Code of Georgia Annotated, relating to the exercise of power of eminent domain for special purposes, so as to change certain provisions relating to the exercise of power of eminent domain for construction of petroleum pipelines; to provide for legislative findings; to provide for definitions; to enact a temporary moratorium on the use of eminent domain powers for construction of petroleum pipelines so that a commission of elected officials and field experts can conduct a detailed study; to ensure the exercise of eminent domain powers by petroleum pipelines is carried out in a prudent and responsible manner consistent with this state's essential public interests; to provide for the membership, powers, duties, compensation, and allowances of the commission; to provide for the abolishment of the commission; to suspend the exercise of the power of eminent domain by pipeline companies for a certain period; to provide for an exception; to move existing provisions relating to the use of the power of eminent domain for natural or artificial gas; to provide for applicability; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 22 of the Official Code of Georgia Annotated, relating to the exercise of power of eminent domain for special purposes, is amended by revising Article 4, relating to the construction and operation of petroleum pipelines and gas pipelines, as follows:

"ARTICLE 4**Part 1**

22-3-80.

~~The General Assembly finds and declares that, based on an authorized study by the Petroleum Pipeline Study Committee created by the General Assembly, while petroleum pipelines are appropriate and valuable for use in the transportation of petroleum and petroleum products, there are certain problems and characteristics indigenous to such pipelines which require the enactment and implementation of special procedures and restrictions on petroleum pipelines and related facilities as a condition of the grant of the power of eminent domain to petroleum pipeline companies. With respect to the siting and regulation of petroleum pipelines in this state, the General Assembly finds that:~~

- (1) The natural resources, environment, and vital areas of the state are of utmost importance to the state and its citizens and the State of Georgia has an essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas;
- (2) State law presently grants pipeline companies the power to acquire property or interests in property through the use of eminent domain;
- (3) The procedures that pipeline companies are required to use to exercise such statutory powers of eminent domain have not been reviewed since the Petroleum Pipeline Study Committee created in an Act approved March 24, 1994 (Ga. L. 1994, p. 229) and abolished on January 1, 1995, studied the issue;
- (4) Technology has significantly advanced in the past decade and the pipeline industry has also changed;
- (5) The vitally important issue of land use impacts associated with pipelines that are presently in use and being developed for future use merits a detailed study by elected officials and experts in this field to ensure that the exercise of eminent domain by pipeline companies is carried out in a prudent and responsible manner consistent with this state's essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas; and
- (6) A temporary moratorium on the exercise of eminent domain powers of pipeline companies through June 30, 2017, would provide the General Assembly with time to study the need for any changes to land use controls or restrictions related to pipeline companies seeking to deliver petroleum to residents of this state or other states, including but not limited to those related to siting of pipelines, and to assess various proposals relating to the eminent domain powers that pipeline companies presently

enjoy, the issuance of certain environmental permits to pipeline companies, and the enactment of additional laws to ensure the consistency of pipeline development and operation with the state's land use goals and standards.

22-3-81.

As used in this article, the term:

(1) 'Commission' means the State Commission on Petroleum Pipelines created pursuant to Code Section 22-3-82.

~~(4)~~(2) 'Pipeline' means a pipeline constructed or to be constructed as a common carrier in interstate or intrastate commerce for the transportation of petroleum or petroleum products in or through this state.

~~(2)~~(3) 'Pipeline company' means a corporation organized under the laws of this state or which is organized under the laws of another state and is authorized to do business in this state and which is specifically authorized by its charter or articles of incorporation to construct and operate pipelines for the transportation of petroleum and petroleum products.

~~(3)~~(4) 'Pipeline facility' or 'pipeline facilities' means and includes the pipeline and all equipment or facilities, including lateral lines, essential to the operation of the pipeline but shall not include any storage tank or storage facility which is not being constructed as a part of the operation of the pipeline.

22-3-82.

There is created the State Commission on Petroleum Pipelines to be composed of three members of the House of Representatives to be appointed by the Speaker of the House of Representatives; three members of the Senate to be appointed by the President of the Senate; the commissioner of natural resources or his or her designee; the commissioner of community affairs or his or her designee; and five members to be appointed by the Governor, including one member who shall represent the petroleum industry and four members who shall represent a cross section of the interests of local government, business, agriculture, and conservation. The Speaker of the House of Representatives and the President of the Senate shall each select a cochairperson. The cochairpersons shall call all meetings of the commission. Administrative support for the commission shall be provided by the staff of the Office of Planning and Budget, the staff of the Department of Natural Resources, or the staff of the Department of Community Affairs, as appropriate.

22-3-83.

(a) The commission shall perform the following by December 31, 2016:

(1) Examine the impacts on land associated with pipeline siting, construction, and operation, including impacts associated with potential leaks and spills;

(2) Examine the current legal and regulatory structure pertinent to the protection of land uses and natural resources from impacts associated with pipeline siting, construction, and operation;

- (3) Examine the purposes behind and necessity of, if any, Part 2 of this article and the grant therein of eminent domain powers to pipeline companies and the siting procedures therein and weigh those with the rights of property owners affected by the use of such eminent domain powers;
- (4) Consider the extent to which the powers granted pipeline companies under Part 2 of this article, and more broadly the existing legal and regulatory system pertinent to the siting, construction, and operation of pipelines, are consistent with and implement Georgia's essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas;
- (5) Consider legal and regulatory mechanisms by which the eminent domain powers of pipeline companies can be appropriately restricted or controlled in order to ensure siting of pipelines that is consistent with current state and local land use policies and the protection of natural resources;
- (6) Consider whether any changes to the siting procedures in this article are necessary to protect the residents of this state in consideration of whether the pipeline is delivering petroleum to customers inside or outside this state;
- (7) Prepare a report summarizing the findings of the commission and submit such report to the President of the Senate and the Speaker of the House of Representatives and to the chairpersons of each of the standing committees of the Senate and of the House of Representatives which regularly consider proposed legislation related to transportation, energy, or natural resources; and
- (8) Recommend to the General Assembly proposed legislation as necessary to accomplish the continuing goal of ensuring that pipeline siting, construction, and operation are consistent with and implement the State of Georgia's essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas and to best serve the residents of this state.
- (b) The legislative members of the commission shall be entitled to receive the compensation and allowances provided for in Code Section 28-1-8. Members of the commission who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the commission but may be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or employees. Members of the commission who are not legislators, state officials, or state employees shall receive a daily expense allowance in an amount the same as that specified in subsection (b) of Code Section 45-7-21, as well as the mileage or transportation allowance authorized for state employees, and the funds for payment thereof shall come from funds of the Department of Natural Resources.
- (c) The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this part.
- (d) The commission shall stand abolished on January 1, 2017.

Part 222-3-85.

(a)(1) The powers of eminent domain granted by this part to pipeline companies shall be temporarily suspended starting from the effective date of this Code section through and including June 30, 2017, in order to allow the commission to complete its report and recommendations and to allow the General Assembly to act on those recommendations during the 2017 legislative session.

(2) Between the effective date of this Code section and June 30, 2017:

(A) No pipeline company shall exercise any eminent domain powers under this part, including, without limitation, condemning any property through the exercise of eminent domain;

(B) The commissioner of transportation shall not accept any applications for or issue any certificates of public convenience and necessity provided for in Code Section 22-3-87; and

(C) The Environmental Protection Division of the Department of Natural Resources shall not accept any applications for or issue any permits provided for in Code Section 22-3-88.

(b) The temporary suspension of the power of eminent domain provided in subsection (a) of this Code section shall not apply to acquisitions for the purpose of establishing the right to maintain an existing pipeline in place or to acquisitions within 200 feet of an existing pipeline for purposes of line replacements or relocations or for purposes of temporary work space for repairs of existing pipelines.

22-3-82 22-3-86.

(a) Subject to the provisions and restrictions of this ~~article~~ part, pipeline companies are granted the ~~right~~ power to acquire property or interests in property by eminent domain for the construction, reconstruction, operation, and maintenance of pipelines in this state; provided, however, that prior to instigating eminent domain proceedings or threatening to do so, the pipeline company shall cause to be delivered to each landowner whose property may be condemned a written notice containing the following language in boldface type:

'CODE SECTIONS ~~22-3-80~~ 22-3-86 THROUGH ~~22-3-87~~ 22-3-91 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED PROVIDE SPECIFIC REQUIREMENTS WHICH MUST BE FOLLOWED BY PETROLEUM PIPELINE COMPANIES BEFORE THEY MAY EXERCISE THE RIGHT TO CONDEMN YOUR PROPERTY. THOSE CODE SECTIONS ALSO PROVIDE SPECIFIC RIGHTS FOR YOUR PROTECTION. YOU SHOULD MAKE YOURSELF FAMILIAR WITH THOSE REQUIREMENTS AND YOUR RIGHTS PRIOR TO CONTINUING NEGOTIATIONS CONCERNING THE SALE OF YOUR PROPERTY TO A PETROLEUM PIPELINE COMPANY.'

(b) The restrictions and conditions imposed by this ~~article~~ part on the exercise of the power of eminent domain by ~~petroleum~~ pipeline companies shall not apply to

relocations of pipelines necessitated by the exercise of a legal right by a third party or to any activities incident to the maintenance of an existing pipeline or existing pipeline right of way. A pipeline company shall have a right of reasonable access to property proposed as the site of a pipeline for the purpose of conducting a survey of the surface of such property for use in determining the suitability of such property for placement of a pipeline.

(c) After obtaining the certificate of convenience and necessity provided for in Code Section ~~22-3-83~~ 22-3-87 and after complying with the notice requirements set forth in subsection (a) of this Code section, a pipeline company shall have a right of reasonable access to any property proposed as the site of a pipeline for the purpose of conducting additional surveying which may be necessary in preparing its submission to the Department of Natural Resources as provided for in Code Section ~~22-3-84~~ 22-3-88.

(d) The owner of any property or property interest which is entered by a pipeline company for the purpose of surveying such property, as allowed in this Code section, or for access to or maintenance or relocation of an existing pipeline shall have the right to be compensated for any damage to such property incident to such entry. Any survey conducted pursuant to this ~~article~~ part shall be conducted in such a fashion as to cause minimal damage to the property surveyed.

~~22-3-83~~ 22-3-87.

(a) Before exercising the ~~right~~ power of eminent domain as authorized in this ~~article~~ part, a pipeline company shall first obtain from the commissioner of transportation or the commissioner's designee a certificate of public convenience and necessity that such action by the pipeline company is authorized. Such certificate shall not be unreasonably withheld.

(b) The commissioner of transportation shall prescribe regulations pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' relative to the requirements for obtaining a certificate of public convenience and necessity which shall include:

(1) A requirement that the application for such certificate shall include a description of the proposed project including its general route, a description of the public convenience and necessity which support the proposed pipeline route, the width of the proposed pipeline corridor up to a maximum width of one-third mile, ~~and~~ a showing that use of the power of eminent domain may be necessary ~~to~~ for construction of the pipeline, and a showing that the public necessity for the ~~petroleum~~ pipeline justifies the use of the power of eminent domain;

(2) A provision for reasonable public notice of the application and the proposed route;

(3) Provision for a hearing on the application and the filing and hearing of any objections to such application;

(4) A requirement that all hearings shall be held and a final decision rendered on any application not later than 90 days from the date of the publication of notice required in paragraph (2) of this subsection; and

- (5) Such other reasonable requirements as shall be deemed necessary or desirable to a proper determination of the application.
- (c) In the event the application is not approved or denied within the time period provided for in paragraph (4) of subsection (b) of this Code section, the application shall be deemed to be approved by operation of law.
- (d) The approval and issuance of the certificate of public convenience and necessity shall not be subject to review. The denial of the certificate may be reviewed by a judge of the superior court of the county in which the pipeline company has an agent and place of doing business. The review shall be by petition filed within 30 days of the date of disapproval of the application and shall be determined on the basis of the record before the commissioner of transportation. The action of the commissioner of transportation shall be affirmed if supported by substantial evidence.

~~22-3-84~~ 22-3-88.

- (a) In addition to obtaining a certificate as required in Code Section ~~22-3-83~~ 22-3-87, a pipeline company shall, prior to the exercise of the power of eminent domain, obtain a permit from the director of the Environmental Protection Division of the Department of Natural Resources as provided in this Code section.
- (b) The Board of Natural Resources shall, pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' issue rules and regulations governing the obtaining of the permit provided for in subsection (a) of this Code section which shall include:
- (1) Reasonable public notice to an owner of property who, after reasonable efforts, cannot personally be given the notice in subsection (a) of Code Section ~~22-3-82~~ 22-3-86;
 - (2) Reasonable public notice of the filing of an application for a permit;
 - (3) Provisions for hearings on all applications for such permits; and
 - (4) A requirement that no such permit shall be granted by the division unless, prior to the construction of any portion of the ~~petroleum~~ pipeline project for which the use of the power of eminent domain may be required, the pipeline company has submitted the proposed siting of such portion of the pipeline project to the division with appropriate notices thereof to affected parties and unless the division director determines after a hearing that the location, construction, and maintenance of such portion of the pipeline ~~is~~ are consistent with and not an undue hazard to the environment and natural resources of this state, determined in accordance with the factors set forth in subsection (c) of this Code section.
- (c) In making the decision required by paragraph (4) of subsection (b) of this Code section, the director shall determine:
- (1) Whether the proposed route of such portion of the pipeline is an environmentally reasonable route;
 - (2) Whether other corridors of public utilities already in existence may reasonably be used for the siting of such portion of the pipeline;

- (3) The existence of any local zoning ordinances and that such portion of the project will comply with those ordinances unless to require such compliance would impose an unreasonable burden on the project as weighed against the purpose of such ordinances;
 - (4) That ample opportunity has been afforded for public comment, specifically including but not limited to comment by the governing body of any municipality or county within which the proposed project or any part thereof is to be located; and
 - (5) Such reasonable conditions to the permit as will allow the monitoring of the effect of the ~~petroleum~~ pipeline upon the property subjected to eminent domain and the surrounding environment and natural resources.
- (d) In the event an application under this Code section is not approved or denied within 120 days of the date of the publication of notice required in paragraph (2) of subsection (b) of this Code section, the application shall be deemed to be approved by operation of law.

~~22-3-85~~ 22-3-89.

All hearings and appeals on applications for certificates and permits required under this ~~article~~ part shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that if the final decision of the Administrative Law Judge on any appeal is not rendered within 120 days from the date of filing of a petition for review, the decision of the director shall be affirmed by operation of law; and provided further that judicial review of the approval or denial of an application under Code Section ~~22-3-84~~ 22-3-88 shall be governed by Code Section 12-2-1.

~~22-3-86~~ 22-3-90.

When a pipeline company which has obtained the certification and permits required in this ~~article~~ part is unable to acquire the property or interest required for such certified or permitted project after reasonable negotiation with the owner of such property or interest, the company may acquire such property or interest by the use of the condemnation procedures authorized by Chapter 2 of this title.

~~22-3-87~~ 22-3-91.

If the portion of the ~~petroleum~~ pipeline route chosen and approved pursuant to Code Section ~~22-3-84~~ 22-3-88 unreasonably impacts any other property of the same owner which is not acquired by eminent domain as a part of such portion of the project, there shall be a right of compensation available under the laws of eminent domain for the fair market value of any such damage upon the trial of the case of the parcel taken.

~~22-3-88~~.

~~The power of eminent domain may be exercised by persons who are or may be engaged in constructing or operating pipelines for the transportation or distribution of natural or artificial gas and by persons who are or may be engaged in furnishing natural or artificial gas for heating, lighting, or power purposes in the State of Georgia."~~

SECTION 2.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 4A

22-3-95.

The power of eminent domain may be exercised by persons who are or may be engaged in constructing or operating pipelines for the transportation or distribution of natural or artificial gas and by persons who are or may be engaged in furnishing natural or artificial gas for heating, lighting, or power purposes in this state."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Burns of the 159th was excused from voting on HB 1036.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	E Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
N Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell

Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	N Maxwell	Y Scott	Y Williams, C
Y Clark, D	E Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 2.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 6. By Senators McKoon of the 29th, Crane of the 28th, Gooch of the 51st, Heath of the 31st, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapters 5, 11, and 16 of Title 40 of the O.C.G.A., relating to drivers' licenses, abandoned motor vehicles, and the Department of Driver Services, respectively, so as to provide that persons who possess a lawful alien status are the only category of noncitizens who may obtain a license, permit, or card; to require the Department of Driver Services to participate in the Records and Information from DMVs for E-Verify initiative of the United States Department of Homeland Security; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 77. By Senators Albers of the 56th, McKoon of the 29th, Stone of the 23rd, Williams of the 19th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Article 6A of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to DNA sampling, collection,

and analysis, so as to provide for analysis and collection of DNA for individuals arrested and convicted of felony offenses; to revise and add definitions; to change provisions relating to time and procedure for obtaining DNA samples; to change provisions relating to expungement of profiles in the data bank; to amend Code Section 17-6-1 of the Official Code of Georgia Annotated, relating to where offenses are bailable, procedure, and schedule of bails, so as to provide a cross-reference for purposes of DNA collections as a condition of bail; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

SB 304. By Senators Parent of the 42nd and Jones II of the 22nd:

A BILL to be entitled an Act to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, so as to allow for the preservation of a person's involuntary hospitalization information received by the Georgia Crime Information Center; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 328. By Senators Jones of the 10th, Sims of the 12th, Davenport of the 44th, Jackson of the 2nd, Seay of the 34th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide that students who are subject to compulsory attendance shall not be assigned to an alternative education program for more than two semesters; to provide for students to remain in an alternative education program at their option; to remove the funding cap on alternative education programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 346. By Senators Beach of the 21st and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 12-16-3 of the Official Code of Georgia Annotated, relating to definitions relative to the "Environmental Policy Act," so as to exempt projects for the construction or improvement of public roads from environmental effects reports in certain instances; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 355. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Hill of the 6th, Williams of the 27th, Martin of the 9th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to enact the "Student/Teacher Protection Act"; to end punitive testing consequences for both teachers and students related to federal, state, and locally mandated standardized assessments; to prevent truancy or referrals to the Division of Family and Children Services for absenteeism during standardized testing windows for federal, state, and locally mandated standardized assessments unless a student already has a chronic history of truancy; to provide for a short title; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 389. By Senators Hill of the 6th, Williams of the 19th, Hill of the 32nd and Williams of the 27th:

A BILL to be entitled an Act to amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to temporary assistance for needy families, so as to provide for an exception to lifetime maximum assistance; to revise provisions regarding rules and regulations; to provide for a cash diversion program; to provide for intervention for a recipient who fails to comply with the work activity requirement; to revise penalties for noncompliance; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Burns of the 159th moved that the House do now adjourn until 10:00 o'clock, A.M., Wednesday, March 2, 2016, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Wednesday, March 2, 2016.